



Government Shutdown Memo: Impact on Pending Rulemakings and Enforcement

The current federal government shutdown began at midnight September 30, 2025. This is the first shutdown since 2018, during President Donald Trump's first term. The consequences of a government shutdown extend far and wide, largely due to the massive impact a shutdown has on federal agencies that ensure the public has clean air and water, workers are paid fairly and protected from hazards, small businesses compete on a level playing field, consumers are protected in the marketplace, and so much more. Without appropriations, these agencies are unable to move forward on most of their statutory obligations, including developing safeguards, conducting inspections, or enforcing regulatory violations.

The Antideficiency Act (ADA): What is Closed During a Shutdown?

The Antideficiency Act (ADA) prohibits agencies from obligating or spending in excess or in advance of an available appropriation unless otherwise authorized by law (31 U.S.C. § 1341). The Act does not apply when an agency uses unexpired carryover balances or when an agency has permanent budget authority outside of the annual appropriations process (like the Postal Service, Social Security, and Medicare).

The Act also includes some limited exceptions, the most important of which is that agencies may incur obligations in advance of appropriations "for emergencies involving the safety of human life or protection of property" or when carrying out "core constitutional powers."

Thus, some government operations will continue during the shutdown, such as those related to "national security or the safety of life and property." This can include air traffic control, for example. Each agency's contingency plan will specify those activities. Notably, however, employees are not receiving paychecks during this time, so they are working without pay until the government reopens.

Any officials that violate the ADA "shall be fined not more than \$5,000, imprisoned for not more than two years, or both."

How are Pending Rulemakings Affected?

During the shutdown, agencies may not continue to work on developing rules, including pending rulemakings that have yet to be proposed or proposed rulemakings that will be finalized.

Further, the Office of Information and Regulatory Affairs (OIRA) may not accept for review, continue ongoing reviews, or approve pending rulemakings for any agencies that are not funded.

For agency actions that are not covered by the ADA or that fall within one of its limited exceptions, OIRA can review and approve pending rulemakings if not doing so would “prevent or significantly damage” the statutory functions of the funded agency. However, the Government Accountability Office (GAO) interprets this exception narrowly, stating “an agency’s general authority to perform a certain activity, without anything more specific, does not constitute an exception to the Antideficiency Act.”

Additionally, the *Federal Register* will not be able to publish any proposed or final regulatory actions for comment or make them legally effective if unfunded.

Can I Still Submit Comments on Pending Rules?

According to the [Regulations.gov](https://www.regulations.gov) website, the website will remain operational during the shutdown. However, the website indicates that individuals should contact each agency to understand whether a regulatory action is affected. Agencies may and should still consider comments received while the government was shut down, so long as the comment period has not ended. However, if comments are submitted, the best approach would be to contact the regulating agency as soon as it reopens to confirm the comment was received and will be accepted.

In the absence of funding for the General Services Administration (GSA), it is possible that [Regulations.gov](https://www.regulations.gov) or portions of the site will stop functioning and no one will be available to fix the website. If that is the case, it will be impossible for members of the public to utilize the broken features on the site. This could include an inability to submit comments on rulemakings with open comment periods. If comment periods close prior to the end of the shutdown, members of the public could be blocked from submitting comments if there are technical difficulties with the website.

Although the [Regulations.gov](https://www.regulations.gov) website is operational, it is uncertain whether anyone will be available at the help desk or at the individual agencies to help commenters with submitting comments. Thus, commenters may be unable to move ahead independently and miss the deadline for submitting comments if the comment period ends while the government is shut down.

Because the comment process may be challenging or even impossible to navigate, we recommend contacting the agency as soon as it reopens to request the comment period be extended. During the last shutdown from December 2018 to January 2019, the Coalition for Sensible Safeguards (CSS) sent a [letter](#) to OMB requesting that any comment periods impacted by the shutdown be extended by the length of the shutdown.

Can Agencies Conduct Inspection and Enforcement Activities During the Shutdown?

A government shutdown has a direct and substantial impact on agency inspection and enforcement actions, whether routine monitoring or related to regulatory violations. With limited exceptions, agency enforcement staff will not be able to continue ensuring compliance with regulatory requirements or pursue enforcement actions when regulated entities do not comply.

For example, the Food and Drug Administration (FDA) would face substantial challenges to its critical enforcement work to prevent illness from contaminated food and medicines, including inability to conduct inspections that ensure meat, milk, and eggs are safe for human consumption or protect the public from compounded drugs suspected of being unsafe. Similarly, the Environmental Protection Agency (EPA) cannot continue most activities related to hazardous waste cleanups under Superfund, most inspections, or issuance of many permits. Each agency's contingency plan outlines the operations that can continue during the shutdown.

Many agency contingency plans are linked below.

Will Agencies Return to Normal Operations Once the Shutdown Ends?

The Trump administration threatened to conduct massive reductions in force (RIFs) during the current shutdown. The first round of RIFs during the shutdown occurred on the evening of October 10, 2025, and involved more than 4,000 federal employees at [seven agencies](#): the Departments of Treasury, Health and Human Services, Education, Housing and Urban Development, Energy, Commerce, and Homeland Security. The government then quickly reinstated several hundred employees at the Centers for Disease Control and Prevention within the Department of Health and Human Services. Nonetheless, OMB Director Russell Vought has said more RIFs are expected.

Carrying out RIFs during a shutdown is not only unnecessary, it is also potentially unlawful. The American Federation of Government Employees (AFGE) and American Federation of State, County and Municipal Employees (AFSCME) filed a legal motion seeking to block OMB from calling on agencies to carry out these RIFs. On October 15, 2025, in response to the AFGE and AFSCME lawsuit, a federal judge [ordered](#) the administration to stop issuing RIFs and to not take any action to enforce the RIFs, as the unions are likely to succeed in proving the RIFs are illegal, exceed authority, and are arbitrary and capricious. Additional litigation over the legality of RIFs during a shutdown is expected. Depending on the outcome of legal challenges, agencies may be operating with fewer staff than prior to the shutdown.

Given the unprecedented nature of RIFs during a shutdown and the uncertainty about how long the shutdown may continue, it is unclear how extensive RIFs will ultimately be. CSS will continue to update this fact sheet periodically as more information is available. Agency contingency plans linked below also provide some additional insight into potential RIFs.

What is CSS Doing During the Shutdown?

CSS will be tracking whether the Trump administration advances regulatory rollbacks despite the lack of funding and in violation of the law. CSS will also monitor the harmful impacts of the shutdown in potentially preventing public comments on pending rollbacks or gutting regulatory inspections and enforcement. We appreciate CSS members sharing information and flagging any impacts in their policy space from the shutdown and will update this document as we receive new information.

2025 Contingency Plans	
Agency (A-Z)	Link
Chemical Safety and Hazard Investigation Board (CSB)	https://www.csb.gov/assets/1/6/fy_2026_csb_lapse_plan-2.pdf
Commodity Futures Trading Commission (CFTC)	https://www.cftc.gov/media/12736/CFTCLapsePlan092925/download
Consumer Products Safety Commission (CPSC)	https://www.cpsc.gov/s3fs-public/CPSC_LapsePlanOverview_OMBApproved9292025.pdf
Department of Agriculture (USDA)	https://www.usda.gov/sites/default/files/documents/fy2026-usda-lapse-plan.pdf
Department of Commerce (DOC)	https://www.commerce.gov/sites/default/files/2025-09/DOC-Lapse-Plan-2025.pdf
Department of Defense (DOD)	https://media.defense.gov/2025/Sep/27/2003809363/-1/-1/1/CONTINGENCY-PLAN-GUIDANCE-FOR-CONTINUATION-OF-OPERATIONS-IN-THE-ABSENCE-OF-APPROPRIATIONS.PDF
Department of Education (ED)	https://www.ed.gov/media/document/us-department-of-education-contingency-plan-lapse-fiscal-year-fy-2026-appropriations-112431.pdf
Department of Energy (DOE)	https://www.energy.gov/sites/default/files/2025-09/DOE%20Lapse%20Plan%20September%202025.pdf
Department of Health and Human Services (HHS)	https://www.hhs.gov/about/budget/fy-2026-hhs-contingency-staffing-plan/index.html
Department of Homeland Security (DHS)	https://www.dhs.gov/publication/lapse-funding-dhs
Department of Housing and Urban Development (HUD)	https://www.hud.gov/sites/dfiles/PA/documents/HUD-Lapse-Plan.pdf

Department of Interior (DOI)	https://www.doi.gov/shutdown
Department of Justice (DOJ)	https://www.justice.gov/jmd/media/1377216/dl
Department of Labor (DOL)	https://www.dol.gov/sites/dolgov/files/general/plans/dol-contingency-plan.pdf
Department of State (DOS)	https://www.state.gov/wp-content/uploads/2025/09/DOS-Lapse-Guidance-updated-29-September-2025.pdf
Department of Transportation (DOT)	https://www.transportation.gov/sites/dot.gov/files/2025-09/DOT_Shutdown_Plan_9.30.25.pdf
Department of Treasury	https://home.treasury.gov/system/files/266/Treasury_DO_Lapse_Plan.pdf
Department of Veterans Affairs (VA)	https://department.va.gov/contingency-planning/human-capital-contingency-plan/
Environmental Protection Agency (EPA)	https://www.epa.gov/system/files/documents/2025-09/epa-contingency-plan-9_29_25.pdf
Federal Communications Commission (FCC)	https://docs.fcc.gov/public/attachments/DOC-414960A1.pdf
Federal Mine Safety and Health Review Commission (FMSHRC)	https://www.fmshrc.gov/sites/default/files/FM_SHRC%20Lapse%20Plan%20September%202025.pdf
Federal Trade Commission (FTC)	https://www.ftc.gov/system/files/ftc_gov/pdf/FTC%20Shutdown%20Plan.pdf
National Aeronautics and Space Administration (NASA)	https://www.nasa.gov/wp-content/uploads/2025/09/nasa-continuity-of-appropriations-plan-final-9-29-2025.pdf?emrc=cd4554
Occupational Safety and Health Review Commission (OSHRC)	https://www.oshrc.gov/wp-content/uploads/FINAL-OSHRC-Lapse-Plan-September-2025-002.pdf
Small Business Administration (SBA)	https://www.sba.gov/sites/default/files/2025-09/Final%20SBA%20Lapse%20Plan%20September%202025%20%209.30.25.pdf

Social Security Administration (SSA)	https://www.ssa.gov/agency/shutdown/materials/contingency-plan-09-24-25.pdf
White House- Executive Office of President	https://www.whitehouse.gov/wp-content/uploads/2025/10/Executive-Office-of-the-President-EOP-Shutdown-Plan.pdf