



Lapse in Appropriation Plan

The Anti-Deficiency Act, 31 U.S.C. 1341 and 1342, severely restricts the conduct of business by agencies during a lapse of appropriations.

The Financial Crimes Enforcement Network's (FinCEN's) contact for lapse in appropriation planning and coordination is Jimmy Kirby, Deputy Director

During a lapse in appropriation, activities identified as excepted are those where there is a reasonable and articulable connection between the function to be performed and the safety of human life or the protection of property, and some reasonable likelihood that either or both would be compromised in some significant degree by the delay in performance of the function in question. Excepted activities also include advancing national security through the conduct of foreign relations, address of foreign threats, or further related policy issues and activities financed by a resource other than annual appropriations, as well as those activities authorized by or necessarily implied by law.

Information outlined below includes: FinCEN activities identified as excepted; activities identified as non-excepted; the impact of a lapse in appropriation; and notification procedures.

Excepted Activities:

The following activities will be excepted:

- Developing, issuing, and implementing urgent rulemakings that further the national security of the United States;
- Supporting priority national security initiatives, including Iran maximum pressure efforts and efforts to counter cartels/transnational criminal organizations and combatting narcotics/fentanyl trafficking;
- Providing time-sensitive financial intelligence support to law enforcement and intelligence agencies for functions that are authorized to continue during a lapse in appropriations, including BSA data access, analysis, and case support for ongoing criminal and counter-terrorism investigations, U.S. sanctions designations, and 314a requests;
- Researching and processing existing foreign financial intelligence unit (FIU) spontaneous disclosures of information and time-sensitive case requests to maintain foreign relations essential to national security and to aid criminal investigations by domestic law enforcement;
- Processing BSA filings from the financial industry that are necessary to law enforcement and national security investigations;

- Engaging with other regulators on pressing matters regarding financial institutions' BSA compliance efforts that are authorized to continue during a lapse in appropriations, including addressing suspicious activity reports that may be related to criminal matters, some of which may involve terrorism;
- Supporting enforcement cases worked in parallel with law enforcement agencies or the Department of Justice performing functions that are authorized to continue during a lapse in appropriations, including, for example, cases that are subject to a strict statute of limitations;
- Supporting BSA certification requests for use in law enforcement court proceedings that are authorized to continue during a lapse in appropriations;
- Supporting and engaging with interagency counterparts on pressing national security policy and interpretation issues that are authorized to continue during a lapse in appropriations, including those pertaining to law enforcement and the state and federal regulatory community;
- Preparing, administering, and implementing targeted financial measures imposed under 31 U.S.C. 5318A and notes thereto (also referred to as section 311 of the USA PATRIOT Act and section 9714 of the Combating Russian Money Laundering Act) and 21 U.S.C. 2313a (also referred to as section 7213A of the Fentanyl Sanctions Act) in support of U.S. national security and foreign policy, including Presidential Actions and Executive Orders issued by the Trump Administration, as well as processing data that is highly useful to law enforcement and national security investigations for functions that are authorized to continue during a lapse in appropriations and implementing measures as required to safeguard national security;
- Preparing, administering, and implementing targeted information collection measures in support of U.S. national security and foreign policy, as well as processing associated data that is necessary to law enforcement and national security investigations for functions that are authorized to continue during a lapse in appropriations and implementing measures as required to safeguard national security;
- Operating and maintaining computer systems and other associated information technology resources to prevent loss of data; operate and maintain secure communications facilities; and maintain telecommunications, including help desk support for excepted personnel and activities;
- Operating and maintaining computer systems and other associated information technology resources used by law enforcement and intelligence agencies for functions that are authorized to continue during a lapse in appropriations (such as BSA E-filing System, BOI E-filing System, FinCEN Query, and Advanced Analytics);
- Conducting security monitoring and incident management of computer systems and other associated information technology resources;
- Supporting and engaging within FinCEN and Treasury on pressing policy issues that arise in connection with national security and other activities that are authorized to continue during a lapse in appropriations;

- Addressing budgetary matters, including those related to the lapse in appropriations and excepted activities, the processing of critical personnel, payroll actions, employee notifications and substitutions, and acquisition issues; and
- Providing legal support for all excepted activities.

Non-Excepted Activities:

It will take approximately one-half day to complete the required actions related to shutdown of non-excepted activities, including, but not limited to:

- Processing routine, non-time-sensitive BSA compliance investigations and enforcement actions;
- Responding to new routine foreign financial intelligence unit requests to exchange information in support of foreign law enforcement investigations;
- Conducting ongoing efforts to issue regulations and guidance/outreach to industry;
- Conducting long-term, non-time-sensitive projects with respect to development of strategic policy;
- Developing geographic and industry assessments, comprehensive reference materials, and other strategic analysis efforts;
- Signing new data access MOUs or compliance information sharing MOUs with federal and state regulators;
- Arranging, hosting, or participating in training, conferences and speaking engagements;
- Supporting information technology requests not related to exempt or excepted functions, including new development efforts and Capital Planning and Investment Control (CPIC) and other e-gov reporting;
- Conducting activities in support of announcing and filling non-excepted vacant positions; and
- Developing or revising standard operating procedures or work methods/strategies.

Impact of lapse in appropriation (as required by the Office of Management and Budget (OMB) Circular A-11):

As of October 1, 2025, FinCEN will have approximately 247 employees, 29 detailees, and 357 contractors on-board. Of the 247 employees, eight are in the deferred resignation program, 139 are designated as excepted, and 100 are designated as non-excepted.

Excepted activities that will continue to be performed by FinCEN employees that would be excepted from furlough will fall within the categories identified above. Forgoing these critical functions may prevent law enforcement and intelligence agencies, both domestic and international, from receiving timely information related to potential terrorism or ongoing crimes, which risks compromising safety of life and property.

Estimate of the time needed to complete shutdown activities	½ day
Total number of agency employees expected to be on board before implementation of the plan	247
Total number of employees to be retained under the plan for each of the following categories:	
• Necessary to perform activities necessarily implied by law	3
• Necessary to protect life and property	136
• Necessary to discharge of the President's constitutional duties and powers	0
• Compensation is financed by a resource other than annual appropriations	0
• Necessary to perform activities expressly authorized by law	0
Total	139

Notification Procedures

Upon official notification of a lapse in appropriation, FinCEN's Office of Human Resources will send a notification to all employees providing updated Office of Personnel Management (OPM) guidance on furloughs, including information on benefits. In addition, FinCEN's Management Division will provide updated information as it becomes available. Once OMB through Treasury has notified FinCEN that there is a lapse in appropriation, all normal operations will cease and all further efforts will be devoted solely to closing down operations, protecting government property, providing support to law enforcement activities, and notification of employees on leave, in travel status, or at temporary duty stations.

Employees will be advised to follow media reports and contact established FinCEN and/or Treasury Hotlines to receive information regarding the budget negotiations and should contact the FinCEN and/or Treasury hotlines to determine when they are expected to return to work.

All leave during the furlough period is cancelled (annual, sick, court, or military leave). OPM may issue supplemental guidance on leave status as required by individual situations. Employees on leave will be notified by their respective immediate supervisor as to the lapse in appropriation procedures that leave is cancelled. Employees in travel status or at temporary duty stations will be notified whether to return home due to the lapse in appropriations or to continue with their off-site business. This communication will be through emergency contact information maintained and followed by a formal notice by email.

Detailees assigned to FinCEN who are on other agencies' payrolls will discontinue work in accordance with the lapse in appropriation plans of their employing agencies. Contractors will be notified of a possible lapse in appropriation by the Bureau of the Fiscal Service and provided guidance on performance during a lapse.

Substitution Procedures

The Director or her designee is authorized to make substitutions of personnel needed to perform excepted activities. Employees will be contacted by telephone to perform excepted activities.