



*Office of Inspector General  
Export-Import Bank  
of the United States*

# **EXIM OIG's Plan for Orderly Shutdown in the Event of Lapse in Appropriations**

*August 1, 2019*

## EXIM OIG Plan for Orderly Shutdown

Lapse Plan Summary Overview	
Estimated time (to nearest half day) required to complete shutdown activities:	One-half day
Total number of agency employees expected to be on board before implementation of the plan:	23
<b>Total number of employees to be retained under the plan for each of the following categories:</b>	
Compensation is financed by a resource other than annual appropriations:	N/A*
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	0
Necessary to the discharge of the President's constitutional duties and powers:	0
Necessary to protect life and property:	5
<p>*In its appropriations for fiscal year (FY) 2019, the Office of Inspector General (OIG) of the Export-Import Bank of the United States (EXIM) received \$5,700,000 for expenses, \$855,000 (or 15%) of which remains available until September 30, 2020. These two-year funds have already been appropriated and remain available for use in FY 2020, regardless of the status of new annual appropriations. EXIM OIG intends to use these funds for the OIG’s necessary expenses in carrying out the provisions of the Inspector General Act of 1978, as amended. EXIM OIG anticipates that those funds will cover expenditures for at least four weeks during any lapse in current year appropriations</p>	
<b>Brief summary of significant agency activities that will continue during a lapse:</b>	
<p>Activities necessary for the protection of human life and property, including law enforcement activities required to ensure that the continuity of investigations and prosecutions of entities that committed fraud against EXIM’s programs and operations.</p>	
<b>Brief summary of significant agency activities that will cease during a lapse:</b>	
<p>All activities not reasonably necessary for the safety of human life or the protection of property will be suspended, including audit, inspection, and evaluation work and administrative support for general OIG operations, and others.</p>	

**1. PURPOSE:** To outline EXIM OIG’s policy guidance in the event that Congress fails to enact regular appropriations, a continuing resolution or supplemental appropriation bills prior to the expiration of the current fiscal year, resulting in an interruption of funds available to continue EXIM OIG’s operations.

**2. SCOPE:** This plan applies to all EXIM OIG personnel and contractors.

**3. AUTHORITY:** The Antideficiency Act (31 U.S.C. §1341 et seq.) restricts federal agencies’ conduct during a lapse in appropriation. It generally prohibits federal officers and employees from incurring obligations or making expenditures in advance of appropriations. Certain EXIM OIG functions are considered excepted and may continue in the absence of appropriations:

- Those that have a continuing source of funding;
- Those that are expressly authorized by Congress to continue even without funding;
- Those for which authority to obligate funds can be necessarily implied by statute;
- Those that are necessary to ensure the safety of human life or the protection of property; or
- Those that are necessary for the discharge of the President’s constitutional duties.

These excepted duties are outlined more fully in Office of Management and Budget (OMB) Circular A-11, Section 124, Agency Operations in the Absence of Appropriations.

**4. POLICY:** As explained above, EXIM OIG has two-year funds that have been appropriated and are available for use in the subsequent fiscal year. In the event of an appropriations lapse, EXIM OIG would continue operations and no EXIM OIG employees would be furloughed until the two-year funding has been exhausted. If EXIM OIG exhausts the funds before Congress appropriates additional funds, EXIM OIG’s policy during a shutdown is as follows:

- EXIM OIG will suspend normal operations and solely undertake efforts dedicated to closing down operations, protecting human life, protecting government property, and performing essential operations.
  - The Acting Inspector General and law enforcement agents with matters involving the U.S. Department of Justice and/or pending before federal courts are “excepted” employees retained under this plan.
  - All other employees are “non-excepted,” unless recalled. Some employees may be recalled to perform excepted duties for a full or limited duration during a shutdown. Furloughed employees will be informed of any change in their status via telephone.
- The Acting Inspector General or designee will notify all EXIM OIG personnel of shutdown status and will issue furlough notices and other instructions as appropriate.

- All “non-excepted” employees should report to work as scheduled on the first workday after a lapse in order to proceed with an orderly shutdown of operations.
  - Such activities include, for example, entering payroll information for the period prior to the lapse; transferring ongoing work necessary to support an “excepted” function to an “excepted” employee; creating out-of-office notices and voicemail messages; completing routine operations to a point where they can be safely interrupted in order to avoid losing the investment in the work.
  - “Non-excepted” employees must complete all orderly shutdown activities within 4 hours.
- The Acting Inspector General will notify OMB that shutdown procedures have been initiated.
- The Acting Inspector General will notify building management of shutdown status.
- The Acting Inspector General will direct Contracting Officer's Representatives to notify contractors of shutdown status and other instructions as appropriate.
- EXIM OIG will ensure its server and other information technology equipment are secured during shutdown.
- EXIM OIG personnel will be instructed to monitor news outlets regarding the status of the shutdown and the specified day they are expected to return to work (normally the next scheduled workday after the furlough has ended).
- If furloughed employees are unable to return to work on the specified day, supervisors shall use available flexibilities (including annual leave, compensatory time off, or credit hours) to the extent possible, to accommodate them.