



ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

POLICY AND PLANNING MEMO

Date: January 23, 2019
To: Brian Paxton, OMB Examiner
From: Harry M. Seidman, ACUS Director of Finance & Operations
Shawne C. McGibbon, ACUS General Counsel
Subject: Circular A-11, Agency Operations in the Absence of Appropriations

The Administrative Conference of the United States (ACUS) is an independent Executive Branch agency funded by annual Congressional appropriation. The following document establishes procedures for continued operation or orderly shutdown of the agency in the event of a temporary lapse in appropriations.

Appropriations, Shutdown Duration, and Agency Profile

In each fiscal year since ACUS' reestablishment in 2010, Congress has appropriated two-year funding for agency operations. Therefore, ACUS' FY 2018 appropriation remains available for agency use through September 30, 2019. In the event of a lapse in appropriations, ACUS has the authority to continue normal operations using a prior year appropriation provided that sufficient funds remain.

Experience indicates that ACUS may have enough prior year funds to sustain a short lapse in appropriations lasting up to 10 working days. However, a lapse of greater than 10 days would likely necessitate a suspension of normal agency operations.

UPDATED On January 21, 2019, ACUS resumed operations using prior-year (FY '18) funds that will permit the agency to maintain operations through February 1, 2019. Agency operations will cease, and all agency employees will be furloughed, effective at midnight on February 1-2, 2019, unless a 2019 appropriation is passed before that time.

ACUS' organizational structure makes possible both rapid shutdown and rapid resumption of operations. The agency consists of approximately 15 full-time staff members. Additionally, all agency staff are in a single office in downtown Washington D.C. ACUS does not have any satellite offices nor full-time telework employees although agency IT systems are configured for full remote access on an as-needed basis. ACUS' full-time on-site contractors will be placed on unpaid leave should the agency shutdown. ACUS does not have any grantees.

Orderly Shutdown of Agency Operations

If ACUS management determines there are insufficient prior year funds for continued operations or otherwise determines it infeasible or impractical for the agency to remain open during a government shutdown, the following plan shall be put into effect.



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- An orderly shutdown of agency operations is anticipated to take less than half a day.
- All agency operations shall cease for the duration of the appropriations lapse.
- The agency Vice Chairman shall remain available as needed to perform any activities expressly authorized by law, necessarily implied by law, necessary to protect life and property, and/ or necessary to the discharge of the President's constitutional duties or powers.
- Any agency-issued telecommunication devices will not be collected or disabled, but employees will be instructed not to use the devices during the shutdown.
- Employees will receive information and instructions about how to keep abreast of the status of the shutdown and resumption of agency operations.
- As needed, contractors performing research on behalf of the agency will be informed of the shutdown and advised to cease work pending resumption of agency operations.
- Scheduled meetings and other events will be postponed.

Resumption of Agency Operations

Once a lapse in appropriations has ended:

- Unless otherwise specified, agency operations shall resume on the next workday following restoration of an appropriation.
- Resumption of agency operations, including restarting Information Technology (IT) systems can occur quickly and, if need be, remotely. Restarting operations will not exceed half a day.
- Agency employees will be notified via phone that operations have resumed.
- Additional flexibilities like telework and leave options are available if employees have problems returning to work on the day specified. Ad-hoc telework agreements are already in place for all agency personnel.
- Agency research contractors will be notified to resume their work; and adjustments to the previously-established due dates may be considered based on the length of the shutdown.

Summary

In the event of a lapse in appropriations, ACUS management has significant flexibility and discretion to either remain operational by using prior year appropriated funds or to implement a rapid and orderly agency shutdown as outlined.