

<b><u>Lapse Plan Summary Overview Export-Import Bank (as of 9-27-2023)</u></b>	
Estimated time (to nearest half day) required to complete shutdown activities:	0.5 days
Total number of agency employees expected to be on board before implementation of the plan:	383 FTEs
<b><u>Total number of employees to be retained under the plan for each of the following categories:</u></b>	
Compensation is financed by a resource other than annual appropriations:	0 FTEs
Necessary to perform activities expressly authorized by law:	0 FTEs
Necessary to perform activities necessarily implied by law: (*) Same employees; does not include 6 contractors who are retained	29 FTEs
Necessary to the discharge of the President's constitutional duties and powers:	0 FTEs
Necessary to protect life and property: (*) Same employees; does not include 6 contractors who are retained	29 FTEs
<b><u>Brief summary of significant agency activities that will continue during a lapse:</u></b>	
Payment of claims under guarantee and insurance programs; processing of payments received under direct loan program; processing direct loan disbursements due where failure to disburse would jeopardize an approved credit; protection of property or assets in the event of imminent or actual default.	
<b><u>Brief summary of significant agency activities that will cease during a lapse:</u></b>	
Closing of and disbursements under approved EXIM Bank transactions not yet operative; all IT services and systems not related to the functions listed above; all administrative support activities unless related to ensuring orderly lapse of appropriations; all asset monitoring and recovery activities except those listed above; approval of new direct loans, guarantees, insurance and working capital loans; all business development activity	

[TEXT CONTINUED ON FOLLOWING PAGE]

## Export-Import Bank of the United States

### [DRAFT] Plan for Orderly Termination of EXIM Bank Operations in the Event of Failure to Enact Regular Appropriations or a Continuing Resolution

As of August 31, 2023

#### **Introduction – Use of Carryover Appropriations**

EXIM has unobligated FY 2023 appropriations, which remain available for use in FY 2024. EXIM intends to use these unobligated amounts for operations, including staff compensation and benefits. Once these amounts are expended, there will be a short-term interruption in EXIM's operations as described below.

#### **Plan for Short-Term Interruption Following Full Expenditure of Available Appropriations**

EXIM Bank currently has 381 employees. Under this plan, in the event of a furlough, EXIM Bank expects to retain 29 employees, i.e., @8% percent of EXIM Bank's workforce, and 6 contractors. This number excludes 71 employees and 13 contractors in an on-call status. It is expected that this plan can be implemented within one-half day.

1. OMB, OPM, GSA, and the Department of the Treasury will be notified that lapse of appropriations activities of EXIM Bank are being initiated.
2. All exporters and commercial banks will be notified that EXIM Bank is temporarily closed. All new obligations as well as delegated authority to exporters and/or banks under insurance and guarantee programs (such as the Working Capital Delegated Authority Program) will be suspended during a lapse in appropriations.
3. The Bank will continue to process and deposit funds received in connection with its guarantee and insurance programs.
4. The Bank will pay claims under its guarantee and insurance programs, which carry the full faith and credit of the U.S.-Government. The Bank is committed to pay within a specified time and payment does not require passage of annual appropriation legislation. This requires claims analysis, a certifying officer, cash control and an approving official. No payments will be made under third-party contracts unless permitted by law.
5. No employee travel after the funding lapse will be authorized, other than for the protection of U.S. Government property, and employees on extended TDY will be furloughed. Employees who are on travel prior to the funding lapse will cease all business activities and return home in a reasonable amount of time.
6. Furloughing of employees in all divisions of EXIM Bank will be initiated except for those detailed in this plan.
7. Three Office of Human Capital (OHC) employees will remain for a limited period to process furloughs and related human capital actions.
8. EXIM Bank will maintain and service IT network systems to support payment of guarantee and insurance claims with existing resources and the support of service contractors.

9. A limited number of individuals are being placed in an on-call status in the event of disbursements coming due where the disbursement can be made through ministerial actions and failure to disburse would jeopardize an already approved credit and is required to protect property or assets.

10. A limited number of individuals will be on-call in the event of an imminent or actual default or restructuring that requires the protection of property or assets, or ongoing litigation or similar proceedings related to collections overseas, as well as to process payment or reimbursement for incidental or out of pocket costs of such activities.

11. GSA/EXIM Bank have ongoing changes and renovations in the Lafayette Building, where EXIM Bank's headquarters are located. GSA/EXIM Bank continue renovations to prevent Damages for Delay claims of contractors that are paid for with previously-obligated funds and will continue in the event of a lapse of appropriations. EXIM Bank has a Director of Capital Planning (DCP) and a contractor, Building Health Sciences (BHS), responsible for ensuring that employees are secure during COVID-19 pandemic. The DCP and BHS are necessary to ensure the health and safety of excepted employees during the funding lapse as well as the workspace of employees who will return from furlough.

12. A limited number of employees shall perform such duties as are necessary or advisable to process nominations made by the President of the United States of individuals to serve on the Bank's Board of Directors. These duties shall include responding to requests from Congress and implementing the duties of the President of the United States under Article II, Section 2, of the United States Constitution.

13. Employees are expected to check open source and internal EXIM sources for updates on the shutdown and to return to work on their next regularly scheduled workday following enactment of appropriations legislation. EXIM will prepare a notification and return to work guidance for all affected employees. The notification will include instructions on reporting to work.

14. This plan does not account for the activities of the Office of the Inspector General.

#### **Additional Actions if the Short-Term Interruption is Extended**

14. As mentioned above, the Bank will pay claims under both its guarantee and insurance programs. Depending upon volume and ability to process the Bank's legal obligations, additional staff may be recalled to handle claims processing.

15. A limited number of employees may be recalled to disburse funds and process shipment documents relating to operative loan and guarantee transactions. Payments will be made under third-party contracts to the extent permitted by law.

16. The status of Bank assets and obligations will be reviewed on a regular basis and any other adjustments in personnel status will be made as needed.

**EXPORT-IMPORT BANK OF THE UNITED STATES  
CONTINGENCY PLAN FOLLOWING FULL EXPENDITURE OF AVAILABLE  
APPROPRIATIONS - ONE PAGE SUMMARY**

**I. Services and programs that will remain operational:**

NAME OF SERVICE/PROGRAM	REASON
Payment of claims under guarantee and insurance programs	Authorized under necessary implication doctrine to maintain the full faith and credit of the United States Government
Processing of payments received under direct loan program	Authorized under necessary implication doctrine and for the protection of property
On-call status only: processing direct loan disbursements due where failure to disburse would jeopardize an approved credit; protection of property or assets in the event of imminent or actual default.	Authorized under necessary implication doctrine and for the protection of property

**II. Services and programs that will be closed:**

- Closing of and disbursements under approved EXIM Bank transactions not yet operative
- All IT services and systems not related to the functions listed above
- All administrative support activities unless related to ensure orderly lapse of appropriations
- All asset monitoring and recovery activities except those listed above
- Approval of new direct loans, guarantees, insurance and working capital loans
- All business development activity

**III. Key citizen services that will be impacted:**

- No new EXIM Bank financing -- U.S. exporters will be unable to obtain any new EXIM Bank financing which may result in loss of export sales
- Delayed closings and non-emergent loan disbursement that may negatively affect delivery of U.S. exports
- Preliminary commitments will not be converted into final commitments, which may result in the loss of export sales
- Processing of amendment and waiver requests will not occur -- this may materially delay transaction performance or cause extra costs to be incurred; it may also result in the delay or loss of exports sales.
- U.S. Exporter education — EXIM Bank will be unable to provide access to EXIM Online and other services.

**IV. Employees.**

- Total Agency Employees: 381
- Total Employees Furloughed: 281 (71 are on-call)