

# **DFC Contingency Plan**

## **Agency Operations in the Absence of Appropriations**

As required by OMB Circular A-11 Sec 124

**U.S. International Development Finance Corporation**

**Updated September 22, 2023**

# 1. Introduction

The U.S. International Development Finance Corporation (DFC) has developed this contingency plan in accordance with Office of Management and Budget (OMB) Circular A-11 (2021), Section 124, and OMB memorandum M-13-22 (dated September 17, 2013). **The actions outlined in this plan would be initiated only in the event there is a lapse in appropriation. For the purposes of this plan, lapse of appropriations means both a lack of enacted appropriations law AND that DFC has exhausted its carryforward balances.** This plan applies to all personnel and contractors assigned to or performing services for DFC. This contingency document is provided for a short-term shutdown (1-5 days – A-11 [2021] 124.2). A long-term event will require further analysis and development.

***As of September 22, 2023, DFC has sufficient carryforward balances to operate during a short-term lapse of appropriations. With limited exceptions, no furloughs or changes to operations will be required for any short- or medium-term lapse of appropriations. Seven detailed from other agencies would be subject to instructions from funding agency. DFC continues to update its budget projections and will update this plan accordingly.***

While DFC has sufficient carryforward to maintain operations, DFC is developing plans to address interagency coordination, Congressional Notification process, and project approval activities.

## 2. Shutdown Contingency Overview

The DFC is pursuing a comprehensive approach for a potential shutdown in the event that we exhaust our carryforward balances, which includes identifying functions and programs for which there is a legal basis for exception, including those required by “necessary implication” and protection of life and property. The functions and programs were identified based on long-standing OMB and U.S. Department of Justice guidance, and the legal opinion of DFC’s Office of General Counsel (OGC). DFC’s OGC has reviewed this document to ensure compliance with these criteria.

As a result, DFC’s current projection is that approximately 47% of DFC employees would be required to perform excepted functions in the event that DFC should be impacted by a shutdown event. The number of employees to be retained under the plan meeting A-11, Section 124.2 criteria is 280, and the number of employees not otherwise exempt is 321.

## DFC Lapse<sup>1</sup> Plan Summary Overview

Estimated time (to nearest half day) required to complete shutdown activities:	1
Total number of agency employees expected to be on board before implementation of the plan:	601
<b>Total number of employees to be retained under the plan for each of the following categories</b> (may include duplicated counts):	
Compensation is financed by a resource other than annual appropriations:	6
Necessary to perform activities expressly authorized by law:	1
Necessary to perform activities necessarily implied by law:	204
Necessary to the discharge of the President’s constitutional duties and powers:	0
Necessary to protect life and property:	81

### **Brief summary of significant agency activities that will continue during a lapse:**

Honoring insurance (mandatory) and financing contracts. Failure to honor these DFC obligations would severely jeopardize the DFC’s mission and activities as necessarily implied by law.

Safeguard the existing portfolio of contractual obligations to fund disbursements, providing consents, making payments under guaranties, insurance contracts and any other contracts with providers of goods and services, insurance premiums and loan repayments, except when DFC’s operations are dependent upon other government agencies severely affected by such a shutdown.

Protect life and property and ensure security of IT systems data.

### **Brief summary of significant agency activities that will cease during a lapse:**

Committing support, sourcing new non-core mission business, recruiting, staffing, training, non-emergency procurement.

## 3. Orderly Shutdown

The Office of Human Resources Management (OHRM) will notify DFC employees regarding their status as excepted or non-excepted from a lapse in appropriation furlough. HRM will also provide guidance for orderly shutdown activities, including messaging to external stakeholders and securing of Government Furnished Equipment (GFE). Appropriate operations notifications

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<sup>1</sup> For the purpose of this plan, lapse of appropriations means a lack of enacted appropriations law AND DFC has exhausted its carryforward balances.

will be placed on the DFC externally facing website. Employees will be advised to check the external website daily for operations updates.

IAA funded employees are subject to instructions from their funding agency.

DFC's Office of Administration (OA) will inform contractors (including Personal Services Contractors) of their status under a lapse in appropriation furlough.

With the exception of staff who are on official travel, orderly shutdown activities are expected to be completed within approximately two hours of the scheduled tour of duty for non-excepted employees. Non-excepted staff who are on travel will receive instructions to return to their Duty Station and complete orderly shutdown activities as soon as possible.

## **4. Resuming Normal Operations**

OA will utilize the DFC emergency notification system to contact employees when the agency is able to resume normal operations, and when they are expected to return to duty. Operational information will also be updated on the DFC external website.

OA will inform contractors (including Personal Services Contractors) when the agency is able to resume normal operations and provide instructions for resuming work.

## Appendix A. Impact of the Shutdown on the Workforce<sup>2</sup>

DFC ORGANIZATION	EMPLOYEES DURING NORMAL OPERATIONS	FULLY FUNDED: WILL CONTINUE TO WORK	EXCEPTED EMPLOYEES (OTHER LEGAL BASIS: WILL CONTINUE TO WORK)	NON-EXCEPTED EMPLOYEES (SUBJECT TO FURLOUGH)
Office of the Chief Executive Officer (OCEO)	66	4*	17	49
Office of Development Credit (ODC)	85	1*	53	32
Office of Financial and Portfolio Management (OFPM)	92	0	61	31
Office of General Counsel (OGC)	69	0	40	29
Office of Development Policy (ODP)	64	0	22	42
Office of Structured Finance & Insurance (OSFI)	49	1*	26	23
Office of Administration (OA)	51	0	20	31
Office of Equity and Investment Funds (OEIF)	33	0	17	16
Office of External Affairs (OEA)	23	0	5	18
Office of Information Technology (OIT)	27	0	13	14
Office of Human Resources Management (OHRM)	42	0	6	36
<b>Total DFC</b>	<b>601</b>	<b>6</b>	<b>280</b>	<b>321</b>
Office of the Inspector General (OIG)	14	14	0	0

\*Six IAA funded employees.

<sup>2</sup> This portion of their plan is tentative and that in the case of an extended lapse that lasts over a couple months, DFC will need to re-assess to confirm which specific functions may continue during a lapse.

## Appendix B. Effect of Lapse of Funding on DFC Activities<sup>3</sup>

DFC Unit	Total # of Employees	# of Fully Funded (not subject to lapse; will continue to work)	# of Excepted Employees (legal basis; will continue to work)	Legal Basis for Decision or Full Funding Source	Functions to be Performed	# of Non-Excepted Employees (subject to furlough)
Office of the Chief Executive Officer (OCEO)	66	0	17	PAS = 2 Fully funded by Department of State = 4 Necessarily implied = 15 Protection of life and property = 1	Core Mission	49
Office of the Inspector General (OIG)	14	14	0	2-year appropriation = 14	Core Mission	0
Office of Development Credit (ODC)	85	2	53	Fully funded by USAID = 1 Necessarily implied = 7 Protection of life and property = 46	Core Mission	32
Office of Financial and Portfolio Management (OFPM)	92	0	61	Necessarily implied = 58 Protection of life and property = 3	Core Mission	31
Office of General Counsel (OGC)	69	0	40	Necessarily implied = 40	Core Mission	29

<sup>3</sup> This portion of their plan is tentative and that in the case of an extended lapse that lasts over a couple months, DFC will need to re-assess to confirm which specific functions may continue during a lapse.

<b>DFC Unit</b>	<b>Total # of Employees</b>	<b># of Fully Funded (not subject to lapse; will continue to work)</b>	<b># of Excepted Employees (legal basis; will continue to work)</b>	<b>Legal Basis for Decision or Full Funding Source</b>	<b>Functions to be Performed</b>	<b># of Non-Excepted Employees (subject to furlough)</b>
Office of Development Policy (ODP)	64	0	22	Necessarily implied = 22	Core Mission	42
Office of Structured Finance & Insurance (OSFI)	49	4	26	Fully funded by USAID = 1 Necessarily implied = 9 Protection of life and property = 17	Core Mission	23
Office of Administration (OA)	51	0	20	Necessarily implied = 20	Mission Support	31
Office of Equity and Investment Funds (OEIF)	33	0	17	Necessarily implied = 7 Protection of life and property = 10	Core Mission	16
Office of External Affairs (OEA)	23	0	5	Necessarily implied = 5	Mission Support	18
Office of Information Technology (OIT)	27	0	13	Necessarily implied = 13	Mission Support	14
Office of Human Resources Management (OHRM)	42	0	6	Necessarily implied = 6	Mission Support	36

## Appendix C – Suspended Functions in Event of a Lapse in Appropriation

Organization	Functions to be Suspended
OCEO	Sourcing of new non-core mission business; training
ODC	Sourcing of new non-core mission business; training
OFPM	Training
OGC	Training
ODP	Training
OEA	Non-emergency communication; training
OSFI	Sourcing of new non-core mission business; training
OA	Training; non-emergency procurement
OEIF	Sourcing of new non-core mission business; training
OIT	New IT projects; training
OIG	N/A; All staff are Exempt
OHRM	Hiring, recruiting; training