



Northern Border Regional Commission

August 28, 2023

Northern Border Regional Commission Lapse Plan

To be initiated in the event of a lapse in governmental appropriations.

| Lapse Plan Summary Overview | | |
|--|-----------------|--|
| Estimated time (to nearest half day) required to complete shutdown activities: | 1 day | |
| Total number of agency employees expected to be on board before implementation of the plan: | 17 FTEs & 1 PTE | |
| Total number of agency employees expected to be furloughed under the plan (unduplicated count): | 17 FTEs & 1 PTE | |
| Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts): | | |
| Compensation if financed by resources other than annual appropriations: | 17 FTEs & 1 PTE | |
| Necessary to perform activities expressly authorized by law: | 17 FTEs & 1 PTE | |
| Necessary to perform activities necessarily implied by law: | 17 FTEs & 1 PTE | |
| Necessary to the discharge of the President's constitutional duties and powers: | 1 FTE | |
| Necessary to protect life and property: | 1 FTE | |
| Brief summary of significant agency activities that will continue during a lapse: | | |
| NBRC would be able to maintain agency activities during a lapse using any administrative funds remaining from the previous Fiscal Year, provided they are appropriately apportioned. Once prior year funds are exhausted all agency activities will cease. | | |
| Brief summary of significant agency activities that will cease during a lapse: | | |
| Once prior year funds are exhausted, NBRC would cease awarding new grants for economic and community development purposes and would cease other activities in service of promoting new programs. | | |

The Northern Border Regional Commission (NBRC) is funded on a “no-year” basis, and, specifically, its appropriations “remain available until expended,” which means that NBRC can incur obligations against such budget authority indefinitely, per OMB Circular A-11, Section 20. NBRC would be able to maintain operations using any balances of such “no-year” administrative funds from previous years, provided they are appropriately apportioned.

Beginning immediately in a new Fiscal Year in which there is a lapse in appropriations, the NBRC will begin to take measures to gradually shutdown activities as required by OMB Circular A-11, Section 124.3. Shutdown procedures will proceed in a manner that minimizes disruption in service to existing grantees. *These activities will include:* Curtailing travel, and delaying, suspending or eliminating non-essential administrative contracts. Should the funding lapse extend for a prolonged period, the NBRC may begin to take measures to furlough staff, beginning with shortening work weeks, and finally furloughing all non-grant staff members. Staff members who work directly with grantees will be among the last staff furloughed.

The Executive Director will be responsible for communicating with staff regarding their furlough status as operations shut down. The Federal Co-Chair (as Agency Head, referenced below), will notify the Executive Director when appropriations resume, following notification from OMB. At that point, the Executive Director will notify staff where and when to begin reporting for work.

Please note that the Federal Co-Chair will be the only NBRC employee to continue to report for work during the entire shutdown period described above, as this position is classified as **PAS**, and is therefore exempt. Currently the Federal Co-Chair is not the primary contact for OMB, and as such, his email address and phone number are included below:

Email: fedcochair@nbro.gov

Phone: 202-590-6650

This plan has been reviewed by NBRC legal counsel and was submitted to the Office of Management and Budget on August 28, 2023.

A handwritten signature in black ink, appearing to read 'R. Grogan', with a stylized flourish at the end.

Rich Grogan, Executive Director, Northern Border Regional Commission