

Special Inspector General for Pandemic Recovery (SIGPR)



Shutdown During Periods
of Lapsed Appropriations

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Purpose

This shutdown plan provides policy guidance and instructions for actions to be taken by the Special Inspector General for Pandemic Recovery (SIGPR) when Congress fails to enact regular appropriations, a continuing resolution, or supplemental appropriation bills, resulting in an interruption of appropriated funds available to continue SIGPR's operations.

Background

The Attorney General issued two opinions in the early 1980s that the language and legislative history of the Anti-Deficiency Act unambiguously prohibits agency officials from incurring obligations in the absence of appropriations (“Applicability of the Anti-Deficiency Act Upon a Lapse in an Agency’s Appropriations” (1980) and “Authority for the Continuance of Government Functions During a Temporary Lapse in Appropriations” (1981)). The Office of Legal Counsel of the Department of Justice issued an opinion dated August 16, 1995, that reaffirms and updates the 1981 opinion.

In general:

- Employees of affected agencies performing non-excepted activities (as discussed in the Department of Justice opinions) may not perform any services other than those involved in the orderly suspension of non-excepted activities; excepted activities that may be continued are generally those that are authorized by law or that protect life and property;
- Agencies may not permit voluntary performance of non-excepted services; and
- Agency heads make the determinations that are necessary to operate their agencies during an appropriations hiatus (within the guidance established by the Department of Justice opinions and pursuant to normal agency processes for the resolution of issues of law and policy).

During FY 2024 SIGPR will continue activities that fall under established exceptions to the Anti-Deficiency Act where compensation is financed by resources other than annual appropriations. If funds are not available to continue operations during a lapse, ancillary support services will be maintained only to the extent necessary to support excepted operations.

Information Required by OMB Circular A-11

1. Estimated time to complete shutdown of non-excepted activities	Not in excess of a half day
2. Number of employees expected to be on board prior to implementation of shutdown plan	44 ¹
3. Number of employees to be retained due to:	
a. Compensation is financed by a resource other than annual appropriations	44 ²
b. Necessary to perform activities expressly authorized by law	0
c. Necessary to perform activities implied by law;	0
d. Necessary to the discharge of President’s constitutional duties and powers	0
e. Necessary to protect life and property	0
4. Total number of excepted employees	0

Footnote(s):

1. These numbers would change substantially should carry-over funding be exhausted.
2. *Employees retained by 3(a) above are funded by non-expiring appropriations provided in P.L.117-328.

Summary of significant agency activities that will continue during a lapse:

- If funds are not available to continue operations during a lapse, SIGPR employees performing activities to protect life or property, including law enforcement activities required to ensure the continuity of investigations and prosecutions of entities/individuals that committed fraud and other crimes against the Department of the Treasury Pandemic Recovery programs and operations will continue, on an excepted basis. Consistent with the Office of Management and Budget (OMB) guidance, ancillary support services will be maintained only to the extent necessary to support excepted operations.

Summary of significant agency activities that will cease during a lapse:

- Under a lapse in appropriations, SIGPR will cease all activities that are not designated as excepted functions, particularly those not reasonably necessary for the protection of life or property, including administrative support for general SIGPR operations, and others.