

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 March 8, 2022

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 and the 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 February 15, 2022, 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 lapse of appropriations during the month of February 2022. Detailees from other agencies will be covered by the policies of their home agency. DFC continues to update its budget projections and will update this plan accordingly.

2. Shutdown Contingency Overview

The DFC is pursuing a comprehensive approach for a potential shutdown, 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 opinions of DFC’s Office of Legal Affairs (LA). DFC’s LA has reviewed this document to ensure compliance with these criteria.

As a result, DFC’s current projection is that approximately 64% of DFC employees would be required to perform excepted functions in the event the 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 300, and the number of employees not otherwise exempt is 149.

DFC Lapse 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: | 449 |
| Total number of employees to be retained under the plan for each of the following categories (may include duplicated counts): | |
| Compensation is financed by a resource other than annual appropriations: | 14 |
| 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:

Receipt of payments, monitoring, due diligence, disbursements, payment of claims

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 Human Resources Management (HRM) office 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 stakeholder and securing of Government Furnished Equipment (GFE). Appropriate operations notifications will be placed on the DFC externally facing website. Employees will be advised to check the external website daily for operations updates.

DFC employees on detail to other Federal agencies will be instructed to return to DFC and follow instructions provided by HRM. Employees from other Federal agencies detailed to DFC will be directed to return to their home agency and follow their home agency's instructions.

The DFC Acquisition office (ACQ) 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

The DFC Office of Facilities, Travel and Security Services (FTS) 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 be also be updated on the DFC external website.

ACQ 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

| 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) | 26 | 1 | 16 | 9 |
| Office of the Inspector General (OIG) | 8 | 8 | 0 | 0 |
| Office of Development Credit (ODC) | 68 | 2 | 53 | 13 |
| Office of Financial and Portfolio Management (OFPM) | 79 | 0 | 61 | 18 |
| Office of General Counsel (OGC) | 50 | 0 | 40 | 10 |
| Office of Development Policy (ODP) | 36 | 0 | 22 | 14 |
| Office of Structured Finance & Insurance (OSFI) | 46 | 4 | 26 | 16 |
| Office of Administration (OA) | 39 | 0 | 20 | 19 |
| Office of Equity and Investment Funds (OEIF) | 23 | 0 | 17 | 6 |
| Office of External Affairs (OEA) | 21 | 0 | 5 | 16 |
| Office of Information Technology (OIT) | 13 | 0 | 13 | 0 |
| Office of U.S. Operations (OUSO) | 6 | 0 | 6 | 0 |
| Office of Human Resources Management (OHRM) | 34 | 0 | 6 | 28 |
| Total DFC | 449 | 14 | 286 | 149 |

Appendix B. Effect of Lapse of Funding on DFC Activities

| 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) | 26 | 0 | 17 | PAS = 1 Necessarily implied = 15 Protection of life and property = 1 | Core Mission | 9 |
| Office of the Inspector General (OIG) | 8 | 8 | 0 | 2-year appropriation = 8 | Core Mission | 0 |
| Office of Development Credit (ODC) | 68 | 2 | 53 | Fully funded by USAID = 2 Necessarily implied = 7 Protection of life and property = 46 | Core Mission | 13 |
| Office of Financial and Portfolio Management (OFPM) | 79 | 0 | 61 | Necessarily implied = 58 Protection of life and property = 3 | Core Mission | 18 |
| Office of General Counsel (OGC) | 50 | 0 | 40 | Necessarily implied = 40 | Core Mission | 10 |

| 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 Development Policy (ODP) | 36 | 0 | 22 | Necessarily implied = 22 | Core Mission | 14 |
| Office of Structured Finance & Insurance (OSFI) | 46 | 4 | 26 | Fully funded by Department of State = 4 Necessarily implied = 9 Protection of life and property = 17 | Core Mission | 16 |
| Office of Administration (OA) | 39 | 0 | 20 | Necessarily implied = 20 | Mission Support | 19 |
| Office of Equity and Investment Funds (OEIF) | 23 | 0 | 17 | Necessarily implied = 7 Protection of life and property = 10 | Core Mission | 6 |
| Office of External Affairs (OEA) | 21 | 0 | 5 | Necessarily implied = 5 | Mission Support | 16 |

| 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 Information Technology (OIT) | 13 | 0 | 13 | Necessarily implied = 13 | Mission Support | 0 |
| Office of U.S. Operations (OUSO) | 6 | 0 | 6 | Necessarily implied = 2 Protection of life and property =4 | Core Mission | 0 |
| Office of Human Resources Management (OHRM) | 34 | 0 | 6 | Necessarily implied = 6 | Mission Support | 28 |

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 |
| OIG | N/A; All staff are Exempt |
| 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 | Recruiting; staffing; training; non-emergency procurement |
| OEIF | Sourcing of new non-core mission business; training |
| OEA | Non-emergency communications; training |
| OIT | New IT projects; training |
| OUSO | Training |