



## PUBLIC BUILDINGS REFORM BOARD

September 20, 2023

SUBJECT: Operations in the Absence of Appropriations

1. Purpose. This Order updates the Public Buildings Reform Board plan for conducting an orderly shutdown in the event of the absence of appropriations.

2. Background.

a. The language and legislative history of the Antideficiency Act unambiguously prohibit agency officials from incurring obligations in the absence of appropriations. This is supported by opinions from the United States Attorney General and the Office of Legal Counsel of the U.S. Department of Justice (DOJ).

b. In the absence of appropriations, Federal officers may not incur any obligations that cannot lawfully be funded from prior appropriations unless such obligations are otherwise authorized by law. Federal officers may incur obligations as necessary for orderly termination of an agency's functions, but funds may not be disbursed.

c. To ensure compliance with these directives, Office of Management and Budget (OMB) Circular No. A-11, Section 124, "*Agency Operations in the Absence of Appropriations*," requires all agency heads to develop and maintain plans for an orderly shutdown in the event of the absence of appropriations.

d. The Executive Director is responsible for maintaining and updating this Order; coordinating activities to ensure proper implementation of this policy; and reporting plans and activities to the Acting Chair of the PBRB and to OMB.

3. Summary of Agency Activities Under a Lapse in Appropriations .

a. The PBRB was established to work with agencies to identify opportunities to reduce the cost of Federal real estate (Public Law 114-287). The PBRB reviews agency real property portfolios to determine these opportunities, as well as partnering with other agencies, namely the General Services Administration and other major landholding agencies to develop these recommendations. The PBRB then presents these recommendations to OMB for approval.

b. The PBRB is funded through “no year” funding and thus will remain in operations until current appropriations are expended. The PBRB’s Executive Director and Board members are thus considered “exempt.”

4. Signature.

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Paul Walden,  
Executive Director

## LAPSE PLAN SUMMARY OVERVIEW

Estimated time (to the nearest half day) required to complete shutdown activities	½ day
Total number of agency employees expected to be on board before implementation of the plan	1
<b>Total number of employees to be retained under the plan for each of the following categories:</b>	
Compensation is financed by a resource other than annual appropriations	0
Compensation is financed by carryover funds*	1
Necessary to perform activities expressly authorized by law	0
Necessary to perform activities necessarily implied by law	0*
Necessary to the discharge of the President's constitutional duties and powers	0
Necessary to protect life and property	0
*This number will increase as carryover funds are exhausted and some staff move from exempt to excepted.	
<b>Brief summary of significant agency activities that will continue during a lapse:</b>	
PBRB will continue its normal operations of portfolio analysis and interactions with agency leads and Congressional staff	
<b>Brief summary of significant agency activities that will cease during a lapse:</b>	
none	