

Delta Regional Authority – FY 2016 Shutdown Plan

The following information is provided to detail the plan for Delta Regional Authority operations in the event of an appropriations hiatus.

Appropriations to carry out the programs authorized by the Delta Regional Authority Act of 2000, as amended, are made on an indefinite “no-year” basis, and specifically, “remain available until expended.”

Public Law 113-235, December 16, 2014 – Consolidated and Further Continuing Appropriations Act, 2015

DELTA REGIONAL AUTHORITY – SALARIES AND EXPENSES

For expenses necessary of the Delta Regional Authority and to carry out its activities, as authorized by the Delta Regional Authority Act of 2000, notwithstanding sections 382C(b)(2), 382F(d), 382M, and 382N of said Act, \$12,000,000, to remain available until expended

Accordingly, all funds for the administration of the Office of the Federal Co-Chairman as well as funds for payment of the Federal share of the administrative expenses of the Authority are derived from a “lump sum” no-year appropriation.

As referenced above, the Delta Regional Authority actually is comprised of two separate and distinct fiscal entities: (1) the Office of the Federal Co-Chairman and (2) the Delta Regional Authority, which is the federal partner and its eight participating member states. The Office of the Federal Co-Chairman is funded with 100 percent federal funds, while the administrative expenses of the DRA are funded through 50 percent federal funds and 50 percent state funds (provided by DRA’s eight participating member states).

It is the Authority’s understanding that regardless of the status of its full-year FY-2016 appropriation, the Authority may continue to incur obligations to the extent that those obligations can be funded by balances from its prior “no year” appropriations.

Language in OMB Circular A-11, Section 124, Agency Operations in the Absence of an Appropriation, indicates, “*Federal Agencies may incur no obligation that cannot lawfully be funded from prior year appropriations unless such obligations are authorized by law.*” DRA’s specific no-year authorization within its appropriation language does allow the agency to incur obligations from the beginning of FY-2016.

Therefore, as the Authority recognizes, through its prior-year federal and state balances, it could fund the administrative activities of both the Office of the Federal Co-Chairman and the Authority for an extended period of time, the agency will continue full operations and full staffing until its no-year funds are exhausted.

Should a complete shutdown of DRA operations become necessary, the agency will furlough all employees except Federal Co-Chairman Chris Masingill (PAS) to finalize the complete shutdown activities and to protect government property.

The Chairman and his staff will work with OMB and GSA prior to that point as necessary to ensure files and records are secure, confidential material and government property is protected, notifications of the suspension of DRA activities are made, and any necessary administrative functions relevant to the shutdown is performed. The shutdown process will be completed in day.