

Delta Regional Authority Shutdown Plan during Appropriations Hiatus

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

Appropriations to the Authority have been made on an indefinite “no-year” basis, and specifically, “remain available until expended.” 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.

The Delta Regional Authority is comprised of two separate and distinct fiscal entities: (1) the Office of the Federal Co-Chairman (the “federal partner”) and (2) the Delta Regional Authority, which is the entity jointly led by the federal partner and the Authority’s 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 member states.

It is the Authority’s understanding that regardless of the status of its full-year 2019 appropriation, the Authority may continue to incur obligations to the extent that those obligations can be funded by balances from it prior “no year” appropriations. Language in OMB Circular A-11, Section 124, Agency Operations in the Absence of an Appropriation, indicates that “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 2019 using prior balances.

Therefore, as the Authority recognizes that, 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.

Additionally, DRA will use no-year funding that exceeds its annual administrative expenses to fund its congressionally mandated infrastructure-investment funds: States’ Economic Development Assistance Program and Community Infrastructure Fund.

Should a complete shutdown of DRA operations become necessary, the agency will furlough all employees except the Federal Co-Chairman 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, notification of the suspension of DRA activities are made, and any necessary administrative functions relevant to the shutdown are performed.