



# AUBURN UNIVERSITY

Office of the Senior Vice President  
Research and Economic Development

## Guidance for Auburn University in a Federal Government Shutdown

September 25, 2023

### **Summary**

This document contains information related to the possibility of a federal government shutdown and its impact on extramurally-funded programs at Auburn University. Overall, we believe that the impact of a shutdown will likely be minimal on Auburn University programs. However, there will be some Auburn activities that may be affected. The following text provides background information, discusses impacts on government funded research, and provides information for principal investigators and researchers on federally-funded projects.

### **Background**

The most recently enacted appropriations law, the Consolidated Appropriations Act of 2023 (Public Law 17—328), provided discretionary funding for the federal government through September 30, 2023, which marks the end of the current federal fiscal year.

In recent years, short-term continuing resolutions have typically been enacted prior to the start of the fiscal year that maintain current spending levels until final appropriations bills can be passed by Congress and signed into law by the President. However, media reports indicate that it is increasingly unlikely that Congress will reach an agreement on any new funding legislation prior to September 30<sup>th</sup>.

If spending legislation is not enacted to provide discretionary funding beyond September 30, 2023, a lapse in appropriations, commonly referred to as a government shutdown, will occur.

With that said, our goal is to ensure you are as adequately prepared as possible to mitigate any impacts from a shutdown and to limit any disruptions to your research work. Accordingly, we are offering the following update and encourage you to act now if you are a recipient of federal funding.

## **Impact to Government**

A lapse in appropriations results in significant disruption to federal government functions that rely on the annual appropriations process. The Antideficiency Act prohibits federal agencies from incurring obligations in the absence of or in excess of an appropriation, with limited exceptions. Therefore, only certain activities funded by annual appropriations would be allowed to continue during a shutdown, such activities involving the safety of human life, the protection of property, duties and functions prescribed by the Constitution, and “necessarily implied” actions related to permanently funded programs.

## **Impact on Government-Funded Research**

In a shutdown, the administration, distribution, and funding of federal grants will be impacted. While it is important to note that each federal agency will have its own unique procedures and protocols, as well as issuing its own contingency plans, we can generally expect the following:

If your work necessitates usage of a facility that is managed by an impacted agency, you are likely not able to access this facility during the shutdown period. Auburn University employees who work at government facilities should stay in contact with their Auburn University supervisor and their government agency contacts.

Agencies will be prohibited from signing new grants or contracts.

Most agency staff will not respond to any inquiries received, including about upcoming deadlines, proposal preparation, and applications.

The review process for proposals will be delayed, although deadlines may still be enforced unless an agency posts alternative instructions.

No new Continuing Grant Increments (CGIs) will be awarded.

Grant payments to the campus could be disrupted.

Principal Investigators (PIs) should be able to submit annual and final project reports as required (and should continue to do so based on already established deadlines).

No-cost extensions will likely not be processed until normal agency operations resume, and federal funds cannot be obligated for expenses that occur beyond the award end date.

Supplemental funding requests will not be processed and awarded until normal operations resume.

## **PI Considerations**

Given that each agency functions differently and will have its own unique contingency plan, you may want to consider the following:

Reach out to your agency contacts/program managers and discuss their specific agency contingency plan and what will happen to your award in the event of a shutdown. However, please note that they may have limited capacity to respond.

If you are thinking about a Continuing Grant Increment or have a new Task Order pending, please pursue that as soon as possible.

Similarly, any no-cost extension requests should be pursued as soon as possible.

If you work with collaborators at national laboratories, it would be prudent to contact them in to ensure you receive any materials or information from them in advance of a potential shutdown.

In the event of a shutdown, any “stop-work orders” received on federal grants and contracts should be forwarded to [ospadmin@auburn.edu](mailto:ospadmin@auburn.edu).

Please note that a government shutdown does not mean that you must immediately stop work on federally funded projects (unless you receive a stop-work order, which would not generally be anticipated). The university will be able to manage cash flows for the immediate future so that research work can continue.

### **International Travel**

At this time, travel into and out of the United States by Auburn University students, researchers and scholars should not be impacted by the shutdown. Federal services related to international travel and employment authorization, such as Citizenship and Immigration Services, Customs and Border Protection, and Department of State, are either fee-based, already funded or considered essential services. The U.S. government will continue to issue passports and visas as long as there are sufficient funds to support these operations.

Thank you for your patience as we work through these circumstances. We understand that a government shutdown will create some uncertainties and it will require additional effort to manage this challenge.

We will provide additional guidance, as needed, as the situation evolves.

## **Additional Guidance**

### *Agency Contingency Plans:*

The Executive Office of the President's Office of Management and Budget publishes contingency plans for agencies across the federal government:

<https://www.whitehouse.gov/omb/information-for-agencies/agency-contingency-plans/>

### *Excerpts from Agency Contingency Plans:*

**National Science Foundation:** "The Awards Cash Management Service (ACM\$) and the Invoice Processing Platform (IPP) will remain open for the submission and processing of valid payments for awardees and contractors. Awardees may continue performance under their NSF awards during a lapse in appropriations, to the extent funds are available, and the period of performance of the grant or cooperative agreement has not expired....Notice to Awardees: As part of the shutdown activity, a notice will be sent to the Foundation's off-site awardees informing them that work may continue on all awards to the extent that doing so will not require federal staff intervention and that funds are available."

**Department of Defense:** "A contractor performing under a contract (or contract option) that was awarded prior to the expiration of appropriations may continue to provide contract services, whether in support of excepted activities or not, up to the limit of the funds obligated on the contract prior to the lapse in appropriations. However, new contracts (including contract renewals or extensions, issuance of task orders, exercise of options) may not be executed, nor may increments of funding be placed on incrementally funded contracts or to cover cost overruns, unless the contractor is supporting an excepted activity. No funds will be available to pay such new contract or place additional increments of funding on contracts until Congress appropriates additional funds."

**National Aeronautics and Space Administration:** "New contracts, grants, cooperative agreements, task orders, change orders, and other actions would not be issued during a funding hiatus, except those critical to meeting the requirements for excepted activities under this policy-and then only to the extent and amount necessary to meet those requirements... Contractors may continue to perform under contracts for work for which funds were properly obligated prior to the lapse in appropriations, provided performance does not require the use of shutdown NASA facilities or other Government support which would be funded by a lapsed appropriation, including administrative, oversight, or other actions required of civil servants."