

# Lapse in Appropriations Contractor FAQ

September 2013



## 1. What is a lapse in appropriations?

**A:** A lapse in appropriations occurs when there are no appropriated funds to pay for an agency or program, as a result of no enacted appropriations law providing those funds. The Constitution requires that no money leave the Treasury except as a consequence of an appropriation.

The current fiscal year funding expires at midnight September 30, 2013. If additional funding is not authorized, a lapse in appropriations will occur at 12:01 a.m. on October 1, 2013, and the Architect of the Capitol (AOC) will be required to reduce operations to certain excepted work.

## 2. What is excepted work?

**A:** During a lapse in appropriations, the AOC will be required to reduce operations, limiting work to only what is necessary to support the needs of Congress and the Supreme Court. The AOC has worked closely with Congressional leadership and oversight to define work that would and would not continue during a lapse.

This “excepted” work includes:

- Activities necessary to support the Congress and the Supreme Court in the performance of their constitutional duties
- Activities needed to abate imminent threats to life and property
- Activities funded with no-year or multi-year appropriations or obligated prior to the lapse from any funding source **and:**
  - Do not depend on the support or supervision of employees in positions funded with annual appropriations, **and**
  - Access to government facilities is available or not necessary.

## 3. Will contractor employees continue work if there is a lapse in appropriations?

**A:** If AOC management has determined that the contracted work is excepted (see Question 2), contractors may continue to work. Please note that some contracts funded with appropriations that remain available during the lapse may not continue if the contracted work is dependent on the support or supervision of AOC employees in positions funded with annual appropriations and/or access to government facilities is necessary but not available.

Contractors will be notified of their status by the AOC’s Acquisition and Material Management Division (AMMD).

## 4. Will there be new contracts or modifications issued?

**A:** Generally, no new contracts, task orders or modifications may be awarded. Exceptions are for contracts and modifications needed to perform excepted work, including contracts funded with no-year or multi-year appropriations, or contract actions obligated prior to the lapse from any funding source.

**5. Will options be exercised?**

**A:** Options will be exercised only as needed to perform excepted work; otherwise, the government will be unable to exercise options.

**6. Can contractors use AOC-issued mobile and computing devices (e.g., iPhones, cell phones, iPads, laptops) during a government shutdown?**

**A:** Use of AOC-issued mobile and computing devices (e.g., iPhones, cell phones, iPads, laptops) may continue when working on excepted contract work. For contractors that are not performing excepted work, they are not to conduct official business using AOC-issued mobile and computing devices (e-mail, texts, etc.). The De Minimis Use Policy (AOC Order 8-1-4 (March 1, 2012)) remains in effect. Contractor employees may continue to use AOC-issued mobile and computing devices for personal purposes in accordance with the De Minimis Use Policy and other applicable AOC policies.

**7. Will my invoice be paid?**

**A:** Even with a contract that is determined to be excepted work, government personnel required to process and pay invoices may be furloughed and payments on invoices could be delayed. Due to lack of personnel, the government may be unable to pay your invoice until the government re-opens. Additionally, contract options or modifications for excepted work that are not already funded will not be paid until Congress enacts a future appropriation.

**8. How will I be notified if my contract is impacted by the lapse in appropriations?**

**A:** Contractors will be officially notified by the AOC's AMMD on the status of their contract(s) and whether or not they are to work during a lapse.

**9. How will I be notified to resume work if my contract is impacted by the lapse in appropriations?**

**A:** Contractors should continue to monitor this website ([www.aoc.gov/business](http://www.aoc.gov/business)). Contractors will be officially notified by the AOC's AMMD on the status of their contract(s).