

Brenna B. Mahoney
Clerk of Court

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

August Marziliano
Chief Deputy, Brooklyn



Michael J. Kramer
Chief Deputy, Central Islip

FY 2024 Pre-Lapse in Appropriations Notice to Contractors

September 25, 2023

The United States District Court for the Eastern District of New York is issuing this notice to apprise the Judiciary contractor community of Judiciary-wide plans regarding contract actions that may be necessary in the event that contract funding is affected by a lapse in appropriations, better known as a Federal Government Shutdown. As you are aware, the budget for fiscal year 2024 has not been enacted and may result in a lapse in the funds designated to purchase supplies and services by contract and a reduction in the Government's capacity to administer Judiciary contracts.

Although there is still enough time for Congress to prevent a government shutdown due to a lapse in appropriations, annual funding for the Government expires at midnight on September 30, 2023. A lapse in appropriations would mean that several government activities would cease, including, in some cases, performance under contracts. In addition, certain planned procurements may be cancelled, and certain existing contracts may be stopped, reduced in scope, terminated, or partially terminated. In yet other cases, both contractors and the Judiciary may be unable to fulfill their contractual obligations due to circumstances created by the lapse in appropriations, a sovereign act of the Government.

If Judiciary contracting officers determine that any of these actions is necessary or that contractors will be unable to fulfill their obligations, a contracting officer will provide prompt notice and instructions to contractors for each affected contract. If a contract will not be affected by the lapse in appropriations, the Judiciary will not provide a separate notification or communication to that effect.

Unless a contracting officer provides the contractor a formal notification to the contrary, all Judiciary contractors must continue to fulfill their contractual obligations to the Judiciary; i.e., unless notified otherwise, contractors must continue to comply with all terms, conditions, requirements and delivery requirements specified in their contracts during a period covered by a lapse in appropriations.

Thank you for your continued support and business with the federal Judiciary, and for your cooperation as we work together to manage a potential lapse in appropriations.