

Foreign
Agricultural
Service

FY 2024

Agency Contingency Plan

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Foreign Agricultural Service Shutdown Procedures

Introduction:

A government shutdown is caused by an absence of appropriations. Given that it takes time for agencies to shut down in an orderly manner, certain activities can continue past the appropriations lapse. Accepted practice and previous guidance instruct agencies to take steps to protect both life and property as well as determine excepted functions and personnel necessary to carry out those functions as a part of an orderly shutdown. In the absence of further guidance, the Foreign Agricultural Service (FAS) intends to follow this instruction in making its contingency preparations. However, any more specific guidance from the Office of Management and Budget (OMB), Office of Personnel Management (OPM), and from USDA will take precedence over this guidance if conflicts exist.

Assumptions:

1. In a government shutdown and associated furlough FAS will distinguish between those functions and employees that are **exempt** from the shutdown and furlough and those **excepted** from the shutdown and furlough. The following definitions are from [OPM's Guidance for Shutdown Furloughs \(December 2021\)](#):
 - a. **Exempt:** Exempt functions are those that are not affected by a lapse in appropriations. This includes functions that are not funded by annually appropriated funds or that can legally and justifiably be supported through available no-year or multi-year carryover appropriations. Employees performing these functions 100% of the time will generally not be furloughed and continue to be governed by the normal pay, leave, and other civil service rules.

Some FAS employees charge only a portion of their time to no-year or multi-year funds (e.g., Cochran and Borlaug Fellowship Programs (Treasury Account Symbol 12X2900) and McGovern-Dole (Treasury Symbol 12X2903)) with the remaining charged to other sources that are affected by the shutdown, e.g., the FAS Salaries and Expenses (S&E) annual appropriation (FY 2024 Treasury Account Symbol 12242900). To the extent that there is sufficient exempt-funded work for these employees, they may be exempted from a shutdown furlough and charge 100% of their time to the exempt funding sources during the shutdown. In this case they may not perform any activities affected by the shutdown (i.e., those not allowed to continue in the absence of appropriations). If there is not enough work to justify these employees charging 100% their time to exempt sources, they would be intermittently furloughed and work some hours on exempt activities as necessary to meet business requirements.

- b. **Excepted:** Excepted functions are those that are funded by annual appropriations but that may continue during a shutdown because they are, by law, allowed to

continue during a lapse in appropriations. Employees supporting these functions are not furloughed (or are only furloughed intermittently for the time not necessary to perform the excepted functions). Such functions may include emergency work involving the safety of human life or the protection of property or the performance of certain other types of excepted work activities as defined in Department of Justice (DOJ) and OMB guidance. Beyond emergency work involving the safety of human life or the protection of property, work performed “by necessary implication” as described by DOJ and OMB guidance is considered to be excepted work. For example, an employee’s performance of orderly shutdown activities (as described in OMB and DOJ guidance) is considered excepted work. In addition, work necessary to implement a funded function, where the suspension of such work during the lapse would prevent or significantly damage the execution of the terms of the applicable statutory authorization or appropriation is considered excepted work.

- c. USDA OGC, working with senior FAS leadership, determines which FAS functions are excepted.
 - d. See [OMB Frequently Asked Questions During a Lapse in Appropriations \(December 2, 2021\)](#) for more information.
2. All Washington, DC staff (including those whose position is DC-based but are working in other domestic locations on an approved remote work agreement) are to report to work at the physical workplace or by logging into telework (as dictated by their individual work schedule) on the first business day of the shutdown. If the first day of the shutdown is not a regularly scheduled workday for the employee (e.g., it is the employee’s Alternative Work Schedule (AWS) Regular Day Off (RDO)), then their RDO is cancelled, and they must report to the physical workplace or log into telework as directed by their supervisor.
3. Tasks to be completed on the first day of the shutdown include the identification of activities that must be conducted and communicating those things to those in the Agency designated as exempt or excepted personnel. These tasks include but are not limited to:
 - a. Confirming activities and employees that are not affected by the shutdown and associated furlough due to funding from available sources and/or because they must perform activities that are excepted because they are by law permitted to continue during the lapse;
 - b. Identifying and accounting for travelers that are or will be enroute to their duty station;
 - c. Administratively supporting domestic and foreign travelers;
 - d. Performing outstanding time and attendance/payroll functions;
 - e. Conducting other activities related to shutdown (e.g., notification of contractors);
 - f. Verifying property inventories are accurate and on hand; and
 - g. Securing and storing records, files, or work in progress.

4. FAS will determine who among Foreign Service personnel posted overseas are to be excepted personnel at a U.S. Embassy, Consulate, or other foreign duty station. FAS determines those individuals excepted from furlough at post. Instructions for all Locally Employed Staff (LES) will be issued by FAS/Foreign Affairs based on local labor laws. To the extent that LES are being funded from two-year S&E carryover for overseas operations (as is common at the beginning of a fiscal year), they will be exempt from furlough.
5. Employees on travel must return to their duty station immediately and without regard to cost or personal convenience following the appropriations lapse.
6. Network communications by exempt/excepted personnel are allowable. E-mail and access to network files and applications will remain available so that necessary actions can be completed. Non-excepted/non-exempt personnel may not use government equipment or access network files during the shutdown period.
7. The GSM-102 Export Credit Guarantee Program administrative expenses (including salaries and benefits for FAS employees) is funded by a transfer from the Commodities Credit Corporation (CCC) to the FAS S&E annual appropriation through a provision included in the annual appropriations bill. Therefore, this function and these employees are not exempt, however they may be excepted. Other CCC programs' administrative expenses (including salaries and benefits for FAS employees) including the Emerging Markets Program (EMP), Food for Progress (FFPr), Foreign Market Development (FMD), Market Access Program (MAP), Quality Samples Program (QSP), Remote Sensing, Technical Assistance for Specialty Crops (TASC) and the Wool and Pima Cotton Trust Funds are funded by reimbursable agreements with the CCC. During the early part of the fiscal year when a shutdown is likely to occur, FAS has normally not received the reimbursable agreements and employees charge their time to FAS S&E annual appropriations until reimbursable agreements are received and the expenses can be reclassified. Such functions may be excepted. See the Global Programs (GP) program area section of this document for specific information.
8. Activities funded through reimbursable agreements with entities other than the CCC are not considered excepted and would not continue during a shutdown. Staff funded by USAID (Participating Agency Service Agreements (PASA)) and other Schedule B (excepted service) are generally not excepted. Exceptions may be made in cases where staff are assigned overseas and therefore fall under the State Department Chief of Mission authority, or where staff are assigned to an office within USAID where functions are considered excepted by USAID. In those cases, FAS will work with the funding office to make that determination prior to the shutdown date. However, as a condition, funding for administrative support and supervision, if required, must be available and in place for the work to continue. If administrative support or supervision is needed and no funds are available, the Schedule B employees may not continue to work during the shutdown regardless of funding source.
9. Personnel to support exempt or excepted activities will remain on duty; other non-exempt, non-excepted personnel will be released following further guidance on

shutdown furloughs from the USDA Office of the Chief Human Capital Officer or OPM. FAS leadership and supervisors will determine what employees will be intermittently furloughed (e.g., employees on call to perform excepted or exempt activities as needed but less than 100 percent of the time) and will inform them of their intermittent work schedule.

10. Announcements relating to the shutdown including return to work notifications will be available from OPM, agency websites, and other media/news outlets.
11. Official telephone communications by exempt and excepted personnel are allowable. Non-exempt, non-excepted personnel are not to use government phones, mobile devices, or computers while in shutdown furlough status. Any “on-call” or “re-called” employees are to be contacted via personal phones or e-mail addresses during this time.
12. Contracts in support of exempt or excepted activities may continue. If the contract requires administrative support or supervision, it must be excepted and available during the period of shutdown. Otherwise, work cannot continue.
13. Personnel will be excepted on an intermittent basis to make timely payments to contractors, grantees, and other entities. These activities would be limited to making payments on multi-year, no-year, or previously obligated amounts.

FAS Program Area Logistical Preparations:

Each FAS program area is responsible for the following activities in advance of a possible shutdown.

1. Update the contact list for all program area staff including employees at foreign duty stations. Lists should include alternative means for getting in touch with employees after they have been released.
2. Update lists of contracts, agreements, and/or grants as well as the systems necessary to oversee them. Lists should identify any upcoming events in the instrument’s lifecycle that will be occurring on or around this time, (e.g., renewals, exercising option years, closures, monitoring/review processes, etc.).
3. Update inventory of FAS-owned property including information technology (IT) equipment and other specialized equipment, plus the listing and location of all electronically held inventories.
4. Identify any modifications to the list of exempt or excepted functions and employees detailed in this document. Modifications must be approved by FAS leadership in consultation with OGC.
5. Update list of individuals with knowledge and skills pertinent to a government shutdown with understanding of how to access and use required systems, including those with the authority to take certain actions (e.g., approvals, certifications, etc.).

6. Update contact lists of grantees, contractors, cooperators, and others that may need to be contacted if the shutdown period becomes extended.
7. Update list of employees in travel status when the shutdown goes into effect to determine which employees may require guidance and assistance with the immediate return to their duty station.
8. Update list of back-ups or alternate personnel to support excepted functions in case of illness of first line excepted staff.

Shutdown Procedures:

1. Prior to the Shutdown:
 - a. The Administrator will issue a memorandum to employees and/or forward a USDA memorandum reporting the status of funding. If a shutdown occurs, any remaining travelers will be instructed to return to their duty station immediately unless both their salary/benefits and travel are funded with exempt funding (e.g., carryover from prior multi-year or no-year appropriations).
2. First half of Day 1 (First regular business day in the absence of appropriation):
 - a. All employees are directed to report to their supervisor (physically or via telework) to receive assignments of excepted/exempt duties (if applicable) or other pertinent information for an orderly shutdown including furlough notices. For those employees teleworking including on remote work agreements, reporting-in may be done by Microsoft Teams or other remote communications method. Employees for whom the first business day is an AWS RDO (not a scheduled workday) will have their RDO cancelled and must report to their supervisor physically or virtually via Teams.
 - b. Based on guidance from OMB and/or the Department, the Administrator will instruct managers to implement cessation of activities based on this plan as revised or updated per further guidance.
 - c. Managers and supervisors will coordinate the following activities intended to terminate agency operations:
 - i. Communicate shutdown instructions and procedures to all employees.
 - ii. Contact any employees on leave and communicate that their leave is cancelled.
 - iii. Contact any employee unexpectedly in travel status (for example, an employee that was scheduled to be back at their duty station but is still in travel status due to flight cancellation or other delay) and assist them in returning to their duty station as soon as possible.

- iv. Ensure all employees to be released on furlough complete timesheet entry and submit to approving official.
 - v. Ensure all records, personal property, and real property are secured.
 - vi. Cancel all meetings, hearings, and previously arranged business.
 - vii. Validate existing communication strategy and employee contact information for future communication need.
 - viii. Distribute guidance and notices at headquarters to all employees who have not been exempted or excepted from the shutdown furlough. Notices should be provided to all overseas posts as well as informing posts about headquarters activities and methods for contacting excepted employees.
 - d. Business Operations will contact external service providers to ensure continuance of communication, network, and human resource services (as appropriate and permitted).
3. Subsequent Workdays of Shutdown [Days 2 and beyond]:
 - a. Only exempt and excepted employees will report to work. Some employees may be intermittently furloughed and required to work as needed to support exempt and excepted functions.
 - b. Employees will engage in approved activities only.
 - c. Depending on the length of the shutdown, and remaining required activities, the number of excepted personnel may be modified. Affected employees would be placed on immediate furlough.
 - d. There will be daily communications by FAS on the status of the shutdown procedures with the Department contacts previously identified.

Specific Program Activities - Excepted Functions:

Office of the Administrator (OA)

- a. Excepted Functions:
 - Required to carry out agency decision-making during shutdown are the Administrator who has full delegated authority, and the Associate Administrator (General Sales Manager) who has specific statutory delegations and oversight relating to GSM-102 and mandatory programs, and the other Associate Administrator.
 - Other examples include the Agency getting rapid access to internal, Department, and government-wide information and contacts to respond to all security and national security clearance issues that may arise during shutdown. Additionally, the Agency requires immediate response to coordinate emergency and continuity of operation services during a shutdown.
 - During a shutdown, adjustments in excepted activities for USDA agencies or other U.S. government (USG) agencies may occur. Examples include updated

guidance from OMB, USDA, or the State Department, which the COOP and Emergency Management Coordinator will handle. When these adjustments affect FAS activities, excepted employees may engage in these activities unless a specific prohibition exists.

- b. Excepted Personnel = 4
 - Administrator
 - Associate Administrator (General Sales Manager)
 - Associate Administrator
 - COOP and Emergency Management Coordinator
- c. On Call Personnel = 2
 - Chief of Staff
 - Security Officer
- d. Exempt Activities Funded by Other Than FAS Salaries and Expenses Annual Appropriations:
 - None

Business Operations (BizOps)

- a. Excepted Functions:
 - Providing oversight of shutdown procedures.
 - Coordinating oversight and managerial controls for the various services provided by the BizOps divisions.
 - Communication during the shutdown is an excepted function in an international organization with staff members at overseas posts. Coordination is necessary to keep specific FAS applications operational and network services up and running and protected against cybersecurity risks. These services include e-mail, smartphones, support for exempt and excepted employees, and Citrix and VPN. Critical systems consist of PSD, GSM, UES, IPATTS, IMART, GAIN, and ESR.
 - Business Operations activities that are required to support the administration of exempt mandatory and multi-year/no-year carryover funded programs.
 - Budget and Planning Division:
 - 1. Budget certification and administrative control requirements for unexpired multi-year and no-year funding.
 - a. Ensuring funds available for incurring commitments, obligations, and expenditures for excepted and exempt activities in the financial system (Financial Management Modernization Initiative, FMMI),
 - b. Providing proper accounting codes for use by excepted personnel.
 - c. Reporting on spending and funds availability to program areas and management (if FMMI is operational),
 - d. Providing information to FAS management, the Office of Budget and Program Analysis (OBPA), the Office of the Chief Financial Officer (OCFO), the Office of the Secretary (OSEC), and OMB,

- e. Serving as system liaison for WebTA accounting codes,
- f. Assisting in preparing billing analyses and provide accounting service provider agreement information (if FMMI is operational).
- Financial Management Division:
 - a. Coordinating with OCFO and OGC on permissibility of transactions and services,
 - b. Creating FMMI elements needed for multi-year year funds and reimbursable/cooperative agreements (if FMMI is operational),
 - c. Providing information to management, OBPA, OCFO, OSEC, and OMB if requested,
 - d. Serving as system liaisons for Concur, FMMI and ezFedGrants,
 - e. Tracking and reporting on who is traveling and how the travel is funded,
 - f. Confirming which travelers must return to their duty station,
 - g. Assisting program areas with accounting, vouchers, payments on obligations that occur prior to shutdown, and reconciliation issues,
 - h. Providing pipeline analyses, reconciliations, service to reimbursable customers' agreements/cooperatives),
 - i. Assisting in preparing billing analyses and providing accounting service provider agreement information,
 - j. Coordinating collection and preparation of checks received from refunds/returns and send to NFC for processing.
- Acquisition and Program Management Division:
 - a. Providing direct administrative oversight of grants and cooperative agreements, including immediate resolution to frequently arising issues related to the stewardship and protection of USG property involved with assistance transactions,
 - b. Overseeing active grants and cooperative agreements where it is necessary to fully protect life and USG property/resources,
 - c. Performing all other activities necessary for administration of the funds oversight for grants and cooperative agreements,
 - d. On-call, excepted personnel are permitted to review and complete action on reimbursement requests and invoices under Federal financial assistance agreements and contracts. These actions are limited to agreements or contracts that were funded with previously obligated funds, or unexpired multiyear or no-year funds.

- e. Capturing, reviewing, and approving the submission of all funding requisitions associated with FAS contract actions. (Only for contracts that became effective prior to the shutdown and require administration during the funding lapse), and
 - f. Managing both the domestic and overseas government purchase card (GPC) program. (Only to the extent necessary to meet purchase requirements necessary to sustain excepted functions).
- Human Capital Management communicates information from the Department and addresses urgent personnel actions related to protection of life or property. On-call personnel would implement critical operations on benefits and non-hiring functions.
 - Representatives in the Travel Management Branch protect passports and provide international travel services to exempted and excepted USDA employees.
 - During a lapse in funding, adjustments in excepted activities for USDA agencies or other USG agencies may occur. Examples include updated guidance from OMB, USDA, or State Department. When these adjustments affect FAS activities, FAS excepted employees may engage in these activities unless a specific prohibition exists.
- b. Excepted personnel = 15
- Chief Operating Officer
 - Managing Director (Mission Support)
 - Managing Director/Chief Financial Officer (Financial Services)
 - Assistant Chief Information Officer
 - Chief Information Security Officer
 - Director, Information Technology Services Branch
 - Communication/Information Systems
 - Communication/Information Systems
 - Travel
 - Travel
 - Senior Director of Budget and Planning Division
 - Senior Director of Financial Management Division
 - Senior Director of Acquisition and Program Management Division
 - Senior Director of Human Capital Management
 - HR Specialist – Payroll
- c. On Call Personnel = 15
- Budget Analyst
 - Budget Analyst
 - Budget Analyst
 - Grants Officer
 - Communication/Information Systems
 - Communication/Information Systems
 - HR Specialist
 - HR Specialist

- Acquisition Support Director
 - Grants Management Director (Agency Grants Management Officer)
 - Budget Execution Director
 - Budget Formulation Director
 - Reimbursable Agreements Director
 - IT Data Analyst
 - IT Technical Specialist/Project Manager
- d. Exempt Activities Funded by Other Than FAS S&E Annual Appropriations:
- None

Trade Policy and Geographic Affairs (TPGA)

- a. Excepted Functions:
- Excepted functions for core activities are preparation for and participation in critical international trade negotiations and enforcement that cannot be postponed or cancelled. Excepted functions would also include critical actions following negotiating sessions. These negotiations include multilateral negotiations that cannot be covered effectively by post, formal World Trade Organization (WTO) dispute proceedings, bilateral negotiations with other governments, or other trade-related engagements with foreign governments. Determinations on “critical international negotiations” will be made in consultation with the U.S. Trade Representative (USTR) and/or the Department of State.
 - On-call, excepted personnel are permitted to review and complete action on reimbursement requests and invoices under Federal financial assistance agreements and contracts. These actions are limited to agreements or contracts that were funded with previously obligated funds or unexpired multiyear or no-year funds.
 - During a lapse in funding, adjustments in excepted activities for USDA agencies or other USG agencies may occur. Examples include updated guidance from OMB, USDA, or the State Department. When these adjustments affect FAS activities, FAS excepted employees may engage in these activities unless a specific prohibition exists.
- b. Excepted Personnel = 1
- Deputy Administrator
- c. On Call Personnel = 7
- Managing Directors (2)
 - Management or staff to support traveling teams or critical international negotiations, staff with grants management or contracting officer’s representative duties (5)
- d. Exempt Activities Funded by Other Than FAS S&E Annual Appropriations:
- None

Foreign Affairs (FA)

- a. Excepted Functions:

- Headquarters: Support for overseas Foreign Service personnel officially assigned to U.S. Embassies or Consulates. Staff must be available to communicate and respond to daily issues and crises that may arise from activities at these posts, as well as continue to perform administrative activities such as reporting, time and attendance, and various types of necessary travel, e.g., medical evacuation. Additionally, to ensure proper ongoing management of these operations, FA must monitor budgets and expenditures for single-year and multi-year funds and advocate and ensure International Cooperative Administrative Support Services (ICASS) policy and regulations are followed. Medical services, medical evacuations, emergency actions, or any action deemed necessary for the safety of life or property by the Chief of Mission or FAS excepted personnel at post may continue during a shutdown period.
 - Overseas: Supervise Locally Employed Staff and address critical issues and crises. Support critical trade negotiations and support Embassy in government-to-government discussions that implement the President's foreign policy or address trade issues. Protect life, property, and health. Protection of assets includes assisting exporters with shipments held at port. Overseas Foreign Service Officers (FSOs) must not spend or obligate annual funds that have lapsed. Public-facing events or announcements should be postponed unless they are related to a critical or emergency situation. Involvement of FSOs in marketing or promotion events is not permitted.
 - Excepted personnel are permitted to support the administration of exempt mandatory, or unexpired multi-year and no-year carryover-funded programs.
 - Excepted personnel are permitted to review and complete action on reimbursement requests and invoices under Federal financial assistance agreements and contracts. These actions are limited to agreements or contracts that were funded with previously obligated funds or multiyear or no-year funds.
 - During a lapse in funding, adjustments in excepted activities for USDA agencies or other USG agencies may occur. Examples include updated guidance from OMB, USDA, or State Department. When these adjustments affect FAS activities, FAS excepted employees may engage in these activities unless a specific prohibition exists.
- b. Excepted Personnel = 454
- Deputy Administrator
 - Senior Director, Global Services Division
 - Senior Analyst, Planning and Resourcing
 - Administrative Management Analyst, Administrative Services
 - 105 Foreign Service Officers stationed overseas (FAS will consider Chief of Mission guidance in making final determination)
 - 345 Locally Employed Staff (LES) (as required by local law). FAS will consider Chief of Mission guidance in making final determination.
- c. On Call Personnel = 5
- Managing Director
 - Director, Planning and Resourcing
 - Director, Administrative Management
 - Senior Analyst, Administrative Management

- Entitlements Analyst, Administrative Management
- d. Exempt Activities Funded by Other Than FAS S&E Annual Appropriations:
- Costs funded by unexpired two-year Salaries & Expenses carryover available for overseas operating expenses, to include (but not limited to) payment of LES.

Global Market Analysis (GMA)

- a. Excepted Functions:
- Excepted functions in GMA include support for critical international negotiations or other engagements with foreign governments on trade-related issues.
 - Processing of information submitted through the Export Sales Reporting system is needed to preserve critical trade and economic information and to support international trade negotiations and engagements with foreign governments.
 - On-call excepted personnel are permitted to review and complete action on reimbursement requests and invoices under Federal financial assistance agreements and contracts. These actions are limited to agreements or contracts that were funded with previously obligated funds or unexpired multiyear or no-year funds.
 - During a lapse in funding, adjustments in excepted activities for USDA agencies or other USG agencies may occur. Examples include updated guidance from OMB, USDA, or State Department. When these adjustments affect FAS activities, FAS excepted employees may engage in these activities unless a specific prohibition exists.
- b. Excepted Personnel = 1
- Deputy Administrator
- c. On Call Personnel = 4
- Managing Director (1)
 - Staff to support analyses for trade negotiations or with contract officer representative duties and to process Export Sales Reporting data (3)
- d. Exempt Activities Funded by Other Than FAS S&E Annual Appropriations:
None

Global Programs (GP)

- a. Excepted Functions:
- FAS may implement the following mandatory programs during a lapse in current year appropriations (if they are funded by a current Farm Bill or other authorizing legislation): Market Access Program (MAP), Foreign Market Development Program (FMD), GSM-102 Export Credit Guarantee Program, and the Agricultural Trade Promotion Program (ATP). FAS staff will conduct only limited administrative actions.
 - Regardless of the status of apportionments and risks of meeting mandatory requirements, minimal monitoring activities for the GSM-102 Program would continue during a lapse in funding. These activities would be limited to the absolute minimum requirements to preserve USG assets and to maintain the integrity of existing payment guarantees (issued with the full faith and credit of

the USG), as well as to protect the underlying commercial export of U.S. agricultural commodities.

- Excepted functions include minimal oversight of Food Aid, Cochran and Borlaug Fellows at U.S. Universities and other non-USG training providers, and some reimbursable agreements. The following presumes there are no new applications, agreements, amendments, or allocations under any of the food aid, exchanges, or capacity building programs and the absolute minimum requirements to preserve USG assets and to maintain the integrity of existing programs.
 - Excepted functions include monitoring and reporting to the Department of State any infractions or violations by J-1 visa holders. If FAS is notified by U.S.-based Cochran and/or Borlaug training providers that any Global Programs sponsored international participant has violated the terms of the J-1 visa, the excepted personnel must officially notify the Department of State via the SEVIS J-1 visa system. This function cannot be delegated.
 - Excepted functions include program area activities that are required to support the administration of excepted mandatory and unexpired multi-year and no-year carryover funded programs.
 - On-call, excepted personnel are permitted to review and complete action on reimbursement requests and invoices under Federal financial assistance agreements and contracts. These actions are limited to agreements or contracts that were funded with previously obligated funds or unexpired multiyear or no-year funds.
 - During a lapse in funding, adjustments in excepted activities for USDA agencies or other USG agencies may occur. Examples include updated guidance from OMB, USDA, or State Department. When these adjustments affect FAS activities, FAS excepted employees may engage in these activities unless a specific prohibition exists.
- b. Excepted Personnel = 5
- Deputy Administrator
 - Staff member to administer credit guarantee programs
 - Staff member to administer MAP, FMD, and ATP
 - McGovern-Dole manager
 - SEVIS responsible officer
- c. On Call Personnel = 17
- Managing Directors (2)
 - Representative of the Office of Deputy Administrator (1)
 - Management and staff to administer credit guarantee programs (2)
 - Management and staff to administer MAP, FMD, and ATP (12)
- d. Exempt Activities Funded by Other Than FAS S&E Annual Appropriations:
- Authorizing legislation for all export credit guarantee activity: Section 202 of the Agricultural Trade Act of 1978, as amended (7 U.S.C. 5622). GSM-102 is a mandated program. Program funding source: Permanent and indefinite authority (not annually appropriated)
 - Authorizing legislation for the Market Access Program and Foreign Market Development Program is Section 203 of the Agricultural Trade Act of 1978, as

amended (7 U.S.C. 5623). These programs are mandated within the statute. Program funding source is CCC funding.

- The Agricultural Trade Promotion Program is authorized under the CCC Charter Act and funded with CCC funds.

Additional Exceptions

Excepted personnel listed above should maintain critical activities within FAS. If other critical needs arise, FAS must seek written approval from USDA to carry out the activities.

Start-Up of FAS Operations Plan

Purpose

This document establishes a plan of action to execute an orderly start-up of FAS operations following an enacted appropriation that was preceded by a shutdown due to a funding lapse.

Scope

The functions and activities described herein are to be executed in accordance with all applicable statutes, regulations, policies, and delegations of authority.

High-Level Summary

- The FAS Shutdown Plan and furlough notices to each employee will instruct employees to monitor the status of the government shutdown and agency operations via the Office of Personnel Management (OPM) website (<https://www.opm.gov/>) USDA website (<https://www.usda.gov/>), and news sources.
- Unless it is a regularly scheduled non-duty day or an employee is on approved leave or leave without pay under the Family and Medical Leave Act (FMLA), employees are expected to return to work the next workday following the President signing a bill funding the Agency. Any delay in reporting for duty requires a request for leave that must be approved by the supervisor.
- An orderly start-up of Agency operations is expected to take place as expeditiously as possible, so that service to customers can resume quickly.

Initial Communications Timeline

FAS has prepared for an agency start-up following an enacted appropriation or new continuing resolution. In order to keep the Agency informed during this start-up process the following communications will occur (note: Day 1 is the first full day of operations upon restoration of funding):

- Following the enacted appropriation or continuing resolution: Federal employees receive notification either from the OPM website or the news media that they should report for work on the next workday.
- Day 1: 9:00 am EST – Administrator will meet with the Associate Administrators and the Chief Operating Officer to receive updates and to prepare for the Executive Leadership Council (ELC) meeting.
- Day 1: 10:00 am EST – Business Operations will issue time-sensitive information on time sheets or other operational items to all employees and the unions (as required by collective bargaining agreements).
- Day 1: 1:00 pm EST – Meeting of the FAS ELC to review the Start-Up of FAS Operations Plan and to identify priorities.
- Day 2: 10:30 am EST – Business Operations will provide any new guidance for human resources and other information from the Department.
- Day 2: 1:00 pm EST – Administrator may call an FAS ELC Meeting to continue implementation of the Start-Up of Operations Plan.

- Day 3: 1:00 pm EST – Administrator may call an FAS ELC Meeting to continue implementation of the Start-Up of Operations Plan.
- Other Communications:
 - Letter to partners and stakeholders from the Administrator.
 - Additional teleconferences as needed with state leaders.

General Start-Up Procedures

All employees are responsible for taking necessary actions to restore the agency to a fully operational status. Key items to address include, but are not limited to:

- Turn off the out-of-office message for your Outlook email.
- Reset your voice mail message.
- Remove all signage indicating the office was closed because of the funding lapse.
- Restart computers and other IT devices according to guidance outlined in the Information Technology section of this plan.
- Resume use of transit benefits.
- Resume use of government-issued mobile devices, including cell and smart phones, tablets, and/or laptops for approved purposes.
- Resume use of government purchase, travel, and fleet cards for appropriate government use.

Customer Service for Start-Up of FAS Operations

The re-start of FAS operations will be accompanied by many employee, customer, and partner questions and concerns. It is important for FAS to provide timely and consistent information that is in keeping with statute, regulation, and policy, and that this information is accessible throughout FAS.

Guidance for the Start-Up of FAS Operations

The FAS ELC will guide the agency's transition from shutdown to full operational status. The ELC will be responsible for overseeing the implementation of the start-up plan; providing related policy and procedural direction; ensuring coordination and consistency across functional areas (human resources, financial management, information technology, property, and procurement, programmatic, etc.); troubleshooting system and unique challenges; and monitoring progress related to restoring full operational status and in addressing employee, partner, and customer concerns.

The ELC may meet daily to assess progress and issues. As issues are resolved and progress continues, meetings may be less frequent. The ELC also will assess lessons learned from the shutdown and start-up and apply those to normal operations where applicable, and to plans prepared in the event of a future shutdown/start-up. The ELC will resume its normal meeting schedule to review new and ongoing work proposals for recommended action by the Administrator, when the Administrator has determined operations are back to normal and any major issues/challenges related to the shutdown have been resolved.

The Administrator chairs the FAS ELC. The complete membership of the ELC and its responsibilities are provided in Appendix A.

Information Technology

The FAS Assistant Chief Information Officer (ACIO) is responsible for ensuring that Information Technology (IT) Systems are available and operating with a high level of confidence to perform agency business operations across the enterprises. Upon restoration of funding for the agency:

- ACIO will restore all FAS production IT systems, business tools, and websites to their last known state to conduct official FAS business.
- ACIO will coordinate with the Department IT Service Providers, USDA-OCIO-DISC and Client Experience Center (CEC), to ensure all interdependent and enterprise IT systems are online and available.
- Employees should retrieve all IT equipment (laptops, mobile devices, etc.) from their secured location to conduct official FAS business.
- Employees will restart their computers and other IT devices to ensure all memory, temporary files, and caches are cleaned, giving the computer a fresh start.
- Reset any expired passwords and ensure that any associated equipment is also updated.
- Employees should connect computers and laptops to the IT network to ensure all systems are updated with the appropriate security patches and system updates. As a result of IT systems being offline for several days this process may take up to 4 hours to complete. Do not turn off computers while the updates are in progress.
- ACIO will work with USDA-OCIO-CEC to ensure technical issues submitted to the IT helpdesk are addressed completely and in a timely manner.
- ACIO will provide ongoing monitoring to ensure availability and proper functionality of IT systems throughout the start-up and recovery process.
- The CEC will provide help desk support for all FAS IT systems that support official business and all other user technical issues. The number for the CEC call center is 1-877-873-0783.

Human Capital Management

- The Human Capital Management Senior Director is responsible for ensuring that all Human Resources (HR) services and guidance is provided to FAS employees, including HR Specialists, in order to return to operations after a government shutdown due to a lapse in appropriations. The following attachments includes Human Resources Guidance (Appendix C), Frequently Asked Questions (FAQs) (Appendix D), and Case File Note (Appendix E). In addition, the Start-Up Customer Service Team referred to previously is available to provide additional assistance.

- **Return to Duty After Shutdown**
 - Generally, employees are expected to return to work the next business day or regularly scheduled workday following the approval of a budget or a continuing resolution.
 - If an employee received unemployment compensation and is paid retroactively for time during furlough the employee will be required to repay the unemployment compensation. For further guidance, please visit <https://www.nfc.usda.gov/>.
- **Time and Attendance**
 - Timekeepers must follow up with supervisors and employees to determine if a corrected timesheet need to be prepared for pay periods affected by the furlough.
- **Guidance for HR Staffing Specialist and Assistants**
 - Proceed to process outstanding personnel actions.
 - Review expiration dates of certificates of eligible applicants and document the case file with the “Note to Case File” provided in Appendix E of this document.
 - If a vacancy announcement closed during the furlough, please work quickly to rate, rank, and notify applicants of their eligibility.
 - Issue certificates of eligible applicants to the hiring managers, when appropriate.
 - For case files that were affected by the furlough, please be sure to add the “Note to Case File” document, Appendix E for future auditing purpose.
- **Performance Management**
 - If the shutdown is at the beginning of a fiscal year, then FAS will secure approval from The Department to provide an extension on rating performance for the prior fiscal year as well as issuing new performance plans for current fiscal year. Once the extension dates are received from the Department, all FAS employees and supervisors will be notified.
- **Training and Development**
 - Determine vendor status and policies for rescheduling and/or refunds, both for government (OPM) and private sector vendors.
 - Reschedule events in progress, including:
 - Internal contracted training sessions
 - 360-degree feedback sessions
 - FAS career guides development sessions

Travel

The FAS Chief Operating Officer (COO) and the FAS Chief Financial Officer (CFO) are responsible for providing coordinated guidance to authorized agency travelers on issues that may have arisen because of the shutdown and furlough.

- Travelers should complete any outstanding travel vouchers immediately after FAS has confirmed the operational status of all associated IT systems.
- The FAS CFO will work with the Department's Office of the Chief Financial Officer to determine policy regarding timely payment of travel card balances since FAS employees did not have access to the travel system during the government shutdown. Once the Department makes its determination, the FAS CFO will communicate the Department's policy and guidance via Conference call.

Contracts, Grants, Agreements, and Asset Management

The Mission Area Senior Program Manager (MASPM) and the FAS CFO are responsible for managing the resumption of functions related to acquisitions and procurements; contracts, grants, and agreements; and asset management (i.e., real and personal property). The expectation is that these activities will resume within two (2) working days following agency start-up.

- **Contracts, Grants and Agreements Guidance:**
 - Contracts, Grants and Agreements under FAS authority, and requiring FAS support, oversight, assistance, will resume as determined by the appropriate Contracting Officer and Grants/Agreements signatory officials.
 - Contracting Officers will issue resume work orders (modifications) for those contracts that were suspended/stopped during the furlough.
 - Interagency and other agreements will resume under the existing terms of the agreement.
- **Asset Management Guidance:**
 - Personal property (vehicles, survey equipment, copiers, etc.) owned or leased by FAS will be made safe, ready, and available for use by authorized Federal and non-Federal personnel.
 - Real property (buildings/office space) owned or leased by FAS will be made safe and available for use by authorized Federal and non-Federal personnel and reopened to the public as appropriate.

Budget and Financial Management

The FAS COO, FAS CFO, and the Senior Directors of the Budget and Planning and Financial Management Divisions are responsible for ensuring that funding for agency operations is made available in a timely manner, and for ensuring that agency financial operations are properly resumed, including close-out of the fiscal year and completion of the financial audit.

- **Financial Management Modernization Initiative (FMMI) Accessibility:**
 - The FMMI system is managed by the Department's Office of the Chief Financial Officer. It is anticipated that FMMI will be made available to all USDA agencies within the first business day after operations resume. The interface between FMMI and agency IT systems will be evaluated to ensure that it is functioning properly.

- Questions about FMMI access should be directed to the Financial Management Division for resolution.
- Posting Prior fiscal year obligations:
 - Valid and signed obligations for that were not entered into FMMI prior to the close of operations on September 30 cannot be entered directly by FAS personnel. FAS CFO will coordinate with NFC to have these obligations posted in FMMI.
 - The FAS CFO will issue instructions within 48 hours after operations resume on how and by whom prior-year obligation information will be collected for entry by NFC.
 - Year-end guidelines for adjustments in period 13 are still valid and should be followed if needed.
- Financial Audit:
 - The FAS CFO and Senior Director of Financial Management will work with the Office of Inspector General, which oversees the Departmental Financial Statement Audits, to assess how to bring the financial audit to closure.
 - Any outstanding audit samples should be completed and returned to the requesting party as soon as possible, following previously established procedures.
 - Once final plans have been developed, FAS CFO will communicate those plans by an Financial Management communication as well as making it a topic for an Financial Management conference call.
- Discretionary funding:
 - New discretionary funding made available will be recorded to FMMI, reflecting the terms and conditions of the appropriations language and automatic apportionment by the Office of Management and Budget (OMB) as necessary.
 - Carryover authority – Allowance holders are NOT to obligate carryover funding. Unobligated balances will be swept to the unallocated level in FMMI and made available for use during the shutdown period. The funds will be used for agency priorities as determined by the Administrator, including:
 - Unobligated balances to be used for obligation during the shutdown period (see Posting Prior Year Obligations above).
 - Unobligated balances designated for previously approved specific purposes.
- Mandatory funding (Farm Bill programs):
 - The FAS CFO and Senior Director of Financial Management will review the terms and conditions of the current OMB-approved apportionment and record authority into FMMI.
 - Mandatory funding will be made available based on terms and conditions of the appropriations language and OMB’s automatic apportionment, as applicable.

- Current fiscal year Allocations:
 - The Senior Director of Budget and Planning will provide approved allocations within five (5) days of resumption of full operations.
 - Allowance holders will need to work with their budget analyst to align resources as needed to ensure that critical obligations, including payroll, can be processed timely.

Appendix A: Start-Up Committee

The roles and responsibilities of the Start-Up Committee are as follows:

Administrator:

- Serve as chair of Committee

Chief Operating Officer:

- Guide implementation of start-up and post shutdown plan;
- Ensure coordination across functional areas;
- Ensure the Administrator is kept informed and elevate issues, challenges, and opportunities, as appropriate;
- Lead the application of lessons learned to normal operations, as appropriate; and
- Ensure communication and coordination in a timely manner with agency leadership.

Chief of Staff:

- Serve as secretariat of the Committee;
- Lead development of any short- and/or long-term assessment of the impacts of shutdown;
- Facilitate communication with TFAA, OBPA, OGC, OCR, other Departmental Offices, and Congressional staff; Identify issues/opportunities for improvement;
- Facilitate communication with ASA, OHRM, OPPM, and other Departmental Offices as necessary;
- Assign resources to address employee questions about being furloughed; and
- Identify issues/opportunities for improvement with State Administrative Officers (SAOs).

Chief Financial Officer:

- Ensure coordination with the Departmental Office of the Chief Financial Officer;
- Provide overarching guidance to the agency related to availability of funding based on approved funding levels;
- Facilitate the coordination of funding or financial system issues/opportunities with Department offices; and
- Coordinate with FAS CIO and Deputy Chief for Programs on IT systems start-up and interoperability.

Senior Director, Budget and Planning:

- Ensure coordination with OBPA;
- Consult with OGC on questions of appropriations law; and
- Provide overarching guidance to the agency related to availability of appropriated funding based on approved funding levels.

Assistant Chief Information Officer:

- Ensure communication with the Departmental Office of the Chief Information Officer;
- Lead the start-up of IT systems, secure PII and sensitive data;
- Coordinate with OCIO–DISC and CEC on the orderly start-up of interdependent and enterprise IT systems, assets and resources;

- Monitor FAS IT Systems, tools, and website to ensure they are functioning appropriately; and
- Coordinate with other agency leaders on IT systems start-up and interoperability.

Appendix B: Human Resources Guidance

Appeals

Federal employees have the right to appeal a shutdown furlough to the Merit Systems Protection Board (MSPB) within 30 calendar days after the effective date of the furlough.

- **Appeal Rights**
 - Employees who have completed a probationary or trial period or one year of current continuous employment in the competitive service under other than a temporary appointment may appeal this action to the MSPB. Employees in the excepted service who have veteran's preference may appeal to MSPB if they have completed one year of current continuous service in the same or similar positions as the one, they now hold. Employees in the excepted service who do not have veteran's preference and who are not serving a probationary or trial period under an initial appointment pending conversion to the competitive service may appeal to MSPB if they have completed two years of current continuous service in the same or similar positions in an Executive agency under other than a temporary appointment limited to two years or less.
 - Career SES appointees (except reemployed annuitants) who believe the requirements of Title 5, Code of Federal Regulations, Part 359, Subpart H, have not been correctly applied may also appeal to MSPB.
- **Appeal Process**
 - If you have the right of appeal to MSPB, and wish to appeal this action, you must file the appeal within 30 calendar days after the effective date of your furlough. If you wish to file an appeal, you may obtain information about the appeals process and a copy of the appeals form from the MSPB website at <https://www.mspb.gov/appeals/appeals.htm>. MSPB requires an appeal to be filed with the MSPB regional or field office serving the area where your duty station was located when the action was taken. MSPB also offers the option of electronic filing at <https://e-appeal.mspb.gov>. Employees have a right to representation in this matter and may be represented by an attorney or other person of their choosing.
- **Bargaining Unit Employees**
 - Bargaining unit employees may grieve this action in accordance with their applicable negotiated agreement or may appeal to MSPB in accordance with the procedures outlined above, but not both.

Benefits

- **Federal Employee Health Benefits (FEHB) Program**
 - FAS employee's FEHB coverage will continue even if an agency does not make the premium payments on time. Since the employee will be in a non-pay status, the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status. The government contribution continues while employees are in nonpay status.
 - FAS employees in a non-pay status due to a lapse of appropriations (shutdown furlough) will not have the opportunity to terminate or cancel FEHB coverage. The employee will remain covered; the enrollee share of the FEHB premium will accumulate and be withheld from pay upon return to pay status.
 - New enrollments or changes in enrollment due to a Qualifying Life Event do not take effect until the employee has been back in pay status for any part of the prior pay period.
- **Federal Employees' Group Life Insurance (FEGLI) Program**
 - Coverage continues for 12 consecutive months in a nonpay status without cost to the employee or to the agency. Neither the employee nor the agency incurs a debt during this period of nonpay.
- **Flexible Spending Account (FSAFEDS) Coverage**
 - Payroll deductions will cease for any employee that does not receive pay. The employee remains enrolled in FSAFEDS, but eligible health care claims incurred during a non-pay status will not be reimbursed until the employee returns to a pay status and allotments are successfully restarted. The remaining allotments are recalculated over the remaining pay periods to match the participant's election amount.
 - Eligible dependent care expenses incurred during a non-pay status may be reimbursed up to whatever balance is in the employee's dependent care account — if the expense incurred during the non-pay status allows the employee (or spouse if married) to work, look for work or attend school full-time.
- **Federal Long-Term Care (FLTCIP) Program**
 - Payroll deductions will cease for any employee that does not receive pay. Coverage will continue so long as premiums are paid. If Long Term Care Partners does not receive payment for three consecutive pay periods, they will begin to direct bill the enrollee. The enrollee should pay premiums directly billed to him/her on a timely basis to ensure continuation of coverage.

- **Federal Dental and Vision (FEDVIP) Program**
 - Payroll deductions will cease for any employee that does not receive pay. BENEFEDS will generate a bill to enrollees for premiums when no payment is received for two consecutive pay periods.
- **Thrift Savings Plan (TSP) (contributions, investments, and loan)**
 - Please see attached for details related to TSP accounts while in nonpay status. Also, FAS employees should refer to the TSP website for more detailed information. Be sure to have your account number or log-in ID and password when accessing your TSP Account on the website. <https://www.tsp.gov/>
- **Processing Disability Benefits**
 - Disability, reconsideration, and appeals employees at OPM will continue working on your case. If the application requires additional information from other agencies, expect delays during a government furlough.
- **Processing Court Ordered Benefits**
 - OPM employees will continue working to process court ordered benefits. If the application requires additional information from other agencies, delays may occur during a government furlough.
- **High-3 Average Salary**
 - Generally, there will be no effect on the high-3 average salary unless the furlough causes the employee to be in a nonpay status for more than 6 months during the calendar year.

Details

The supervisor of record will be responsible for communicating all start-up guidance to employees on detail, including when he/she will return her his/her detail assignment.

Employee Assistance Program (EAP)

The Employee Assistance Program (EAP) can be helpful in providing confidential counseling and coaching has experienced, licensed counselors ready to assist all FAS employees and FAS family members, 24 hours a day/7 days a week at 1-800-222-0364 (US callers) and 1-266-829-0270 (International callers). The EAP is a free, confidential counseling service that can assist in helping cope with stressful and challenging situations.

EAP provides guidance on many life and wellness items including health, financial assistance, managing stress, offerings from the EAP are available online by going to <https://www.foh4you.com>.

Intergovernmental Personnel Act (IPA)

The specific authority for furloughing personnel who are working under mobility agreements pursuant to the Intergovernmental Personnel Act (IPA), either inside the FAS or with other organizations, will depend upon the nature of individual agreements, the status of the appointments, and/or the funding arrangements for the assignments.

Retirement

If a FAS employee were to retire during the furlough and submitted notice of their desired retirement date prior to the furlough, HR Specialist should, when the lapse in appropriations ends, make the retirement effective as of the date requested. The retirement request may be informal (such as a letter requesting retirement) and can be either mailed or personally submitted. Any additional required paperwork, such as the formal retirement application form, may be completed when the agency reopens. No time spent by the retiree in such actions after the effective date of the retirement may be considered as duty time, since the individual would no longer be an employee of FAS.

Return to Duty After Shutdown

- Generally, employees are expected to return to work the next business day or scheduled workday following the approval of a budget or a continuing resolution.
- However, guidance concerning when furloughed employees should come back to work at the conclusion of the shutdown has to be tailored to the employee's specific situation. FAS will apply a rule of reason in requiring employees to return to work as soon as possible, considering the disruption to the lives and routines of furloughed employees that a shutdown has caused.

Time and Attendance

FAS or its HR servicing agency will provide guidance on timesheets prior to and after the shutdown. Any excepted employee who worked during the shutdown must keep a record of hours worked during the shutdown. Excepted employees will not be paid for the hours worked during the furlough status until after Congress passes and the President signs a new appropriation or continuing resolution. Congress will determine whether furloughed employees receive pay for the furlough period. All employees will be notified once this decision is made.

Transit Subsidy Program

All employees will have received their monthly allowance for transit subsidy when government operations resume. Only excepted employees were authorized to utilize the allowance while in furlough status.