

Food, Nutrition and Consumer Services (FNCS)

Preparations for Shutdown as a Result of a Lapse in Appropriations

The Assistant Administrator, in conjunction with the Chief Financial Officer and the Budget Director, has responsibility for monitoring the status of the appropriations process and advising the Administrator with regard to need to begin preparations for a potential lapse in appropriations. Not later than five days prior to the close of any appropriations period, the Assistant Administrator will consult with the Administrator and assess the likelihood of a lapse. If the risk is judged to be significant, the Administrator will gather key Agency leadership to begin preparations.

FNS Operations during a Lapse in Appropriations

The FNS Contingency Plan outlines the Agency's operations in the event of a lapse in the annual appropriations which fund most, but not all, of FNS's programs. These activities include:

- continuation of programs which have been determined by OMB and USDA to be excepted, to the extent funding is available;
- continuation of exempt activities funded through direct appropriations or other funding sources not dependent on the annual appropriations process;
- orderly shutdown of all other Federal activities and the transition to furlough status of all personnel who are neither exempt nor excepted; and
- status of State partner activities in FNS programs.

Excepted Programs: This plan reflects the continuation of the essential Federal activities to maintain the core programs of the nutrition safety net, including the Supplemental Nutrition Assistance Program (SNAP), the Child Nutrition (CN) programs, and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC). Additionally, other mandatory activities under the Food and Nutrition Act of 2008, including but not limited to Food Distribution on Indian Reservations and nutrition assistance block grants, will continue as will Commodity ordering and procurement activities in support of mandatory excepted programs in conjunction with the Agriculture Marketing Service (AMS) to the extent permitted by multi-year and directly appropriated funds. FNS' disaster response activities under the Food and Nutrition Act of 2008 and the Stafford Act will continue to the extent that funds, as described above, are available to support those programs. Please see *Excepted Personnel Required for the Continuation of Excepted Programs and Activities* below for a discussion of the Federal staff associated with these programs and activities. If multi-year and directly appropriated funding is insufficient to fund these programs during the period of the lapse, then program operations for the above programs would cease.

Exempt Activities: Funding for exempt activities is received independent of the annual appropriations process and, as such, is not subject to lapse. FNS currently receives a series of appropriations for activities within the Child Nutrition programs and for the Senior Farmers Market program directly from authorizing statute without need of annual appropriation action. These programs and activities will continue during a lapse in annual appropriations.

States' ability to continue the orderly conclusion of Pandemic EBT activities will not be impacted by a lapse in appropriations.

Please see *Exempt Personnel Funded by Direct Appropriation* below for a discussion of the Federal staff associated with these programs and activities.

Orderly Shutdown: All other direct Federal activities not associated with Excepted or Exempt programs and activities will cease during a lapse in annual appropriation. FNS will execute an orderly shutdown in a manner consistent with OMB, OPM and USDA guidance. Please see *Personnel for Orderly Shutdown* below for a discussion of the Federal staff associated with this activity.

Partner Activities in FNS Programs: FNS' partners (State agencies and other grantees) may continue operations during a lapse in appropriations utilizing legally available Federal resources previously provided to them or their own resources. For excepted or exempt programs and activities, funding and Federal support will continue. This may be on a limited or restricted basis. For other FNS program and activities all Federal support will cease for the duration of the lapse.

Excepted Personnel Required for the Continuation of Excepted Programs and Activities

Core programs of the nutrition safety net, including the Supplemental Nutrition Assistance Program (SNAP), the Child Nutrition (CN) programs and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) will continue operations during a lapse in appropriations, subject to the availability of funding. Multi-year carry over funds and contingency reserves would be apportioned by OMB to support program operations during the period of the lapse to the extent such funding exists; funding from continuing resolutions, including the special mandatory payments provision generally included in continuing resolutions, would also be available to support program operations in a lapse the follows the expiration of a continuing resolution. It is therefore a necessary implication that a limited number of FNS employees be excepted from furlough to support program operations to the extent that such programs have funding to operate. These activities include, but are not limited to, program policy, operations, and financial management. In addition, in order to meet the requirements of the National Nutrition Monitoring and Related Research Act of 1990; and Agricultural Act of 2014, FNS will designate excepted staff working on the development of the Dietary Guidelines for Americans.

The number and mix of staff required to support these activities varies depending upon the point in the fiscal year in which the lapse occurs, any appropriation activity (including continuing resolutions) which preceded the lapse; the duration of the lapse and other programmatic considerations (e.g. disaster response). The following tables present two primary potential lapse

scenarios and the staff required to support the continuation of excepted programs and activities in those circumstances.

During any lapse in appropriation FNS works to keep excepted staff to the minimum necessary to support program continuation. However, it is important to note that the operational environments of FNS programs are very dynamic. It is not possible to completely anticipate the number of staff and mix of skills required to respond to every challenge which may arise in the course of a lapse. FNS will use the USDA recommended recall process to bring furloughed staff back to duty to accomplish critical tasks on an as needed basis. Once that task is completed, recalled staff will return to furlough status. Further, excepted staff listed below in Tables 1 and 2 whose services are determined to be unnecessary for a specific lapse may be moved to furlough status at the discretion of the Administrator.

Table 1: Excepted Staffing Required to Support Program Continuation during a Short (up to three day) Lapse in Appropriations

Organization	Excepted Staffing
Administrator's Office	Administrator Assistant Administrator Chief of Program Administration Chief of Policy
Office of the Chief Operating Officer	Chief Operating Officer
SNAP	Associate Administrator for SNAP Director, Program Development Division Director, Retailer Policy Division Director, Issuance Policy and Innovation Division Director, Program Administration and Nutrition Division
Child Nutrition	Deputy Administrator for CN Programs Director, Community Meals Policy Division 1 additional excepted position as needed
Supplemental Nutrition and Safety (SNAS)	Deputy Administrator for SNAS Senior Advisor or Special Assistant
Office of Financial Management	Chief Financial Officer Deputy Chief Financial Officer Director, Budget Division Chief, Program Budget Branch Accountant, ASAP/AMA Certification Accountant, ASAP/AMA Certification Accountant, FRB/AMA Reconciliation
Office of Management	Chief Human Capital Officer Director, Contracts Management Division Director, Operations and Facilities Division
Office of Information Technology	Assistant Chief Information Officer Director, Program Management Division Director, Technology Division Director, Information Security Division Chief, Infrastructure and Cloud Branch

Chief, Customer Experience Branch
Deputy Administrator for Policy Support Communications Director
Deputy Administrator
Deputy Administrator for ROC
Associate Administrator for ROS Director, Office Emergency Management
Regional Administrator
Regional Administrator
Regional Administrator
Regional Administrator
Regional Administrator
Regional Administrator
Regional Administrator
Regional Administrator
Regional Administrator

Table 2: Excepted Staffing Required to Support Program Continuation during a Longer Lapse in Appropriations and at Fiscal Year Start Up or Fiscal Year Quarter Change

Organization	Excepted Staffing
Administrator’s Office	Administrator Assistant Administrator Chief of Program Administration Chief of Policy
Office of the Chief Operating Officer	Chief Operating Officer Deputy Chief Operating Officer
SNAP	Associate Administrator for SNAP Director, Program Development Division Director, Retailer Policy Division Senior Technical Advisor, Issuance Policy and Innovation Division 5 additional excepted positions as needed
Child Nutrition	Deputy Administrator for CN Programs Director, Community Meals Division 1 additional excepted position as needed
Supplemental Nutrition and Safety (SNAS)	Deputy Administrator for SNAS Senior Advisor Director, Funding and Technology Division Director, USDA Foods Operations Division Chief, Funding Branch, WIC 4 additional excepted positions as needed
Office of Financial Management	Chief Financial Officer Deputy Chief Financial Officer Director, Budget Division Chief, Program Budget Branch

	<p>Budget Analyst Budget Analyst Director, Accounting Division Accountant, ASAP/AMA Certification Accountant, ASAP/AMA Certification Accountant, FRB/AMA Reconciliation Systems Accountant, FMMI Program Systems Accountant, FMMI Administrative</p>
Office of Management	<p>Chief Human Capital Officer Director, Contracts Management Division Director, Operations and Facilities Division 3 additional excepted staff as needed (PAR processor, master timekeeper, contracts specialist)</p>
Office of Information Technology	<p>Assistant Chief Information Officer Director, Program Management Division Director, Technology Division Director, Information Security Division Chief, Infrastructure and Cloud Branch Chief, Customer Experience Branch 4 Additional excepted positions as needed (telecom, information security, infrastructure, and program management)</p>
Office of Policy Support	<p>Deputy Administrator for Policy Support Chief of Staff</p>
Center for Nutrition Policy and Promotion	<p>Deputy Administrator</p>
Retailer Operations and Compliance	<p>Deputy Administrator for ROC</p>
Regional Operations and Support	<p>Associate Administrator for ROS Director, Office Emergency Management</p>
Northeast Regional Office	<p>Regional Administrator Regional GMAS Director Regional SNAP, CNP or SNP Director Grants Management Specialist or Accountant (2)</p>
Mid-Atlantic Regional Office	<p>Regional Administrator Regional GMAS Director Regional SNAP, CNP or SNP Director Grants Management Specialist or Accountant (2)</p>
Southeast Regional Office	<p>Regional Administrator Regional GMAS Director Regional SNAP, CNP or SNP Director Grants Management Specialist or Accountant (2)</p>
Mid-West Regional Office	<p>Regional Administrator Regional GMAS Director Regional SNAP, CNP or SNP Director Grants Management Specialist or Accountant (2)</p>
Mountain Plains Regional Office	<p>Regional Administrator Regional GMAS Director Regional SNAP, CNP or SNP Director Grants Management Specialist or Accountant (2)</p>
Southwest Regional Office	<p>Regional Administrator Regional GMAS Director Regional SNAP, CNP or SNP Director Grants Management Specialist or Accountant (2)</p>

Western Regional Office	Regional Administrator
	Regional GMAS Director
	Regional SNAP, CNP or SNP Director
	Grants Management Specialist or Accountant (2)

Exempt Personnel Funded by Direct Appropriation

FNS staff funded by direct appropriation or other funding sources not subject to annual appropriations will be regarded as exempt and continue in duty status during a lapse in appropriations. As a part of the preparations for any potential lapse, the Office of Financial Management will identify all staff currently in exempt status and provide that information to the Administrator, the Director of Human Resources, and the Senior Leadership team. Exempt staff will be notified of their status and its implications prior to any lapse in appropriations.

Personnel for Orderly Shutdown

FNS will execute an orderly shutdown in a manner consistent with OMB, OPM and USDA guidance. Direct Federal activities not associated with excepted or exempt programs and activities will cease during a lapse in annual appropriation. All FNS employees will report for duty on the first regular business day following a lapse. Employees who are neither excepted nor exempt will engage in an orderly shutdown based on guidance provided by the Director of Human Resources. It is expected that basic orderly shutdown activities will be completed as expeditiously as possible after which staff will transition to furlough status.

A small subset of staff will be identified for their required roles in shutdown activities beyond the basic activities required of all staff. They will continue in duty status only as long as is required to complete the tasks for which they were identified after which they will transition to furlough status. As a part of the preparations for any lapse in appropriations the Director of Human Resources will, in consultation with Senior Leadership, compile a list of personnel with orderly shutdown responsibilities beyond the basic requirements for the approval of the Administrator. Staff designated as having responsibilities beyond orderly shutdown will be notified of their status and its implications prior to any lapse in appropriations.