

**FARM PRODUCTION AND CONSERVATION MISSION AREA**

**CONTINGENCY PLAN**

**Last Updated: November 2023**

## Scope

This plan of action is developed based on the latest guidance for shutdown planning and activities for this organization, as relayed by the Office of Management and Budget (OMB) and the Department. This plan is subject to amendment as developments require and provided such amendments are consistent with applicable law.

The Department is subject to seasonal variations and at one time up to 80 percent of employees may need to report to work during a furlough, but this would be on an intermittent basis. Employees in the Farm Production and Conservation (FPAC) Mission Area will either be furloughed or moved to r Exempt, Excepted or Excepted on-call status and will show in Category V (Necessary to Protect Life and Property).

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

OMB provides guidance on how to prepare for and operate during a funding gap in OMB Circular A-11. The circular establishes two policies regarding the absence of appropriations:

- A prohibition on incurring obligations unless the obligations are otherwise authorized by law; and
- Permission to incur obligations “as necessary for orderly termination of an agency’s functions,” but prohibition of any disbursement (i.e., payment).

The Anti-Deficiency Act prohibits agencies from incurring obligations in advance of, or that exceed, an appropriation. Thus, with certain limited exceptions, an agency cannot incur obligations when the funding source for the obligation is an appropriation that has lapsed. Any activities that would incur a new obligation must be suspended and are prohibited. Activities that are under way that would lead to an increased obligation or incurred costs must cease.

There are, however, limited exceptions to this general rule, including obligations incurred performing activities that protect life and/or property, incurred to accomplish an orderly shutdown of the normal functions of the agency, or where such payment activity is necessarily implied.

An agency must otherwise continue certain activities despite a lapse in their appropriations because the lawful continuation of other funded or excepted activities “necessarily implies” that these additional activities will continue as well. A "necessary implication" can arise when an agency needs to incur obligations, even though there has been a lapse in the appropriation against which those obligations would be charged, in order to implement:

- An “orderly shutdown” when there has been a lapse in appropriations (as the Department of Justice has explained, “authority may be inferred from the Anti-deficiency Act itself for Federal officers to incur those minimal obligations necessary to closing their agencies”);

- "Excepted" activities including functions:
  - Authorized by statute or other legal requirement expressly authorizing an agency to obligate funds in advance of appropriations;
  - That address emergency circumstances such that the suspension of the function would imminently threaten the safety of human life or the protection of property;  
or
  - That are necessary to the discharge of the President's constitutional duties and powers.
- Congressionally authorized or appropriated functions for which Congress has provided funding that remains available during the lapse (including funds already obligated from the current fiscal year) where the suspension of the related activity (during the funding lapse) would prevent or significantly damage the execution of the terms of the statutory authorization or appropriation.

## **Farm Production and Conservation (FPAC)**

Farm Service Agency (FSA)  
Natural Resources Conservation Service (NRCS)  
Risk Management Agency (RMA)  
FPAC Business Center (FPAC BC)

### **Purpose and Plan Execution**

This Contingency Plan for Operations (Plan) is a plan of action to execute an orderly shutdown of certain Farm Production and Conservation (FPAC) Mission Area operations in the event of a funding lapse. This Plan also provides for certain exempt and excepted operations to continue. This Plan will be implemented after direction from the U.S. Department of Agriculture (USDA).

The FPAC Mission Area, including the Farm Service Agency (FSA), Natural Resources Conservation Service (NRCS), Risk Management Agency (RMA), and the FPAC Business Center (FPAC BC), will begin implementation of this Plan on the morning of the first working day following the lapse of appropriations. All FPAC personnel will be advised to report to their assigned duty stations to prepare for the orderly cessation of operations no longer funded or that have not been designated as excepted activities.

Shutdown activities unique to FSA, NRCS, RMA, and FPAC BC are the responsibility of the respective agency heads consistent with this Plan and are reported to the FPAC BC's Deputy Chief Operating Officer who serves as the Mission Area's Plan Coordinator.

The FPAC BC provides a broad range of mission support services and other functions to FSA, NRCS, RMA, and the FPAC BC itself. Any shutdown activities will be coordinated with those agencies.

### **FPAC Activities During a Lapse in Appropriations**

FPAC activities during a lapse in appropriations are designated in one of three categories which indicate an employee's responsibilities during shutdown:

#### **Excepted and Excepted On-Call Activities**

Employees who are regularly performing functions related to the protection of life or property. When these activities do not require full-time effort during a shutdown, the employee reverts to furlough status when the activities are complete. This category should represent the minimum number of employees required to implement approved excepted work. Generally, supervisors call on these employees to perform excepted activities on an as-needed basis.

#### **Exempt Activities**

Funding for exempt activities is received independent of the annual appropriations process and, as such, is not subject to lapse.

### **Furloughed Employees**

All other employees will be placed on furlough. Furloughed employees are responsible for monitoring OPM and OMB websites regarding when to report to duty.

## **General Provisions**

This Plan is a framework to sustain excepted activities during a lapse in appropriations.

- FSA, NRCS, RMA, and FPAC BC agency heads have identified potential exempt, excepted and excepted on-call activities and associated employee positions and communicated that information through their respective Chiefs of Staff (or designee) to the Plan coordinator.
- Updated phone trees for employee contact information during shutdown should be verified and maintained in preparation of a lapse of funds. Agency Chiefs of Staff (or designee) should maintain call trees at all times including at least one week before a shutdown.
- Key FPAC leadership including the Chief Operating Officer, Administrators, Chief, Deputy Chief Operating Officer, Associate Administrators, Associate Chief, Agency-level Chiefs of Staff, Deputy Administrators, Deputy Chiefs, Division and Center Directors, RMA Regional Directors, State conservationists, and State Executive Directors, and excepted and excepted on-call employees are authorized to use Government-issued cell phones, laptops, and other devices for authorized Plan purposes. All other employees must leave government-issued cell phones, laptops, and other devices in a secure location at their duty station. As instructed, furloughed employees are not permitted to access government email or use government phones during the period of their furloughed status.
- All employees will be notified of their status (excepted or excepted on call, or furlough) prior to a lapse of funds. Notifications may occur through FPAC BC's Human Resources Division (HRD) as they update the status of all employees.
- All employees are responsible for reporting to his/her supervisor on the first workday of a shutdown to confirm their completion of the shutdown checklist distributed by FPAC BC's HRD. For FY 2024, the first workday is October 2, 2023. All employees must ensure their space is clean and free of perishable foods and trash, equipment is powered down, windows closed, and documents and equipment secured. In limited circumstances and with prior approval of their supervisor, employees whose physical space is secure and who are on approved telework may confirm completion of the shutdown checklist with their supervisor by telephone. Generally, employees whose

telework day falls on the first day of the shutdown will report to the office to complete shutdown procedures.

- During shutdown procedure, remote employees will confirm with their supervisors their adherence to this Plan to not access government email or use government phones during the period of their furloughed status. All employees (remote, telework, telework-eligible, and on-site full-time) that have not been notified that they are excepted or excepted on-call will monitor OPM's and OMB's website related to status to know when to report back to duty.
- Orderly shutdown is expected to take place as expeditiously as possible, up to four hours, pursuant to this Plan and Department guidance.
- Chiefs of Staff (or designee) for FSA, NRCS, RMA, and FPAC BC are responsible for confirming that all furloughed employees have completed shutdown activities by 2pm on the first day of a shutdown. The Chiefs of Staff report shutdown confirmation to the FPAC Deputy Chief Operating Officer (DCOO) as Plan Coordinator. Any reporting will be consistent with any requirements established by the Department.
- Furloughed employees will monitor the status of the Government shutdown and agency operations via USDA's website ([www.usda.gov](http://www.usda.gov)), the Office of Personnel Management website ([www.opm.gov](http://www.opm.gov)), OMB website (<http://www.whitehouse.gov/omb>), and local media.
  - On the first business day following enactment of appropriations either through a full-year appropriation or Continuing Resolution (CR), employees are required to return to work. Notification to return to work may be given only through a status update on the USDA Be Prepared, OPM, or OMB website or through local media. Employees should not expect written notification or notification by phone.
  - Employees who are unavailable to report to work on the first business day due to scheduled or unscheduled annual leave, illness, or other reason, must notify their supervisor within 24 hours following enactment of appropriations.

## Communications Timeline

The FPAC Mission Area has prepared a Plan for continued operations, where appropriate, and an approved shutdown of activities in the event of a lapse in appropriations. These timelines apply across the FPAC mission area; however, these timelines are subject to change based on Departmental guidance and expectations that may arise at the time of the shutdown. Agency specific timelines, instructions, and additional information that follows.

### Prior to the shutdown

- **One week prior to possible shutdown.** FSA, NRCS, RMA, and FPAC BC senior leadership and chiefs of staff (or designee) identify employees proposed for excepted and excepted on-call status with written justification. Each Chief of Staff will relay the names of employees and category to the Plan Coordinator who leads execution of shutdown planning for the mission area to obtain approval and confirmation through the FPAC Under Secretary.
  - **All proposed excepted or excepted on-call employees** are to be identified by the following information which is needed to ensure notification as applicable by supervisors and/or FPAC BC's HRD:
    - Position/Title/Location, Employee Name, Work Email Address, Supervisor, Supervisor Email Address, Building Access Needs at NHQ, Activity Level during Days 1-30 (for excepted and excepted on call) and if they will be engaged in protection of life or property, those activities with funding that remains available during the lapse in appropriations where the suspension of the related activity would prevent or significantly damage the execution of the terms of the statutory authorization or appropriation or whose presence will be required to perform functions associated with the orderly cessation of agency activities; and
    - Employees should be identified in compliance with applicable human resource regulations and notified of their excepted status only after the list has been approved by the FPAC Under Secretary's Office.
  - On an as needed basis, the FPAC Under Secretary's Office will make a determination of whether certain employees need to be returned to work in order to respond to emergencies (natural disasters such as hurricanes, flooding, fires, etc.) during a shutdown. In this case, the Under Secretary's Office will work with agency heads and Department officials to identify activities and employees that meet these criteria and to request a special Anti-Deficiency Act (ADA) exception. ADA exceptions must be approved by the Office of Budget and Program Analysis (OBPA), and the Office of General Counsel (OGC) and the FPAC COO or Plan administrator must be notified for implementation purposes. ADA Exceptions do not "automatically renew" and must be reapproved in writing for each shutdown incidence.
  - **FPAC BC's HRD will review its internal shutdown procedures and associated guidance, notifications,** and other relevant information to ensure appropriateness for specific circumstances for upcoming possible furlough (i.e., timing within payroll cycle for time and attendance, leave guidance, etc.).
- Two to three working days prior to possible shutdown:
  - **When the list of excepted and excepted on call employees is confirmed by the Under Secretary's Office, FPAC employees are notified of their appropriate**

**status and subsequent expectations during shutdown.** Notifications should be completed by supervisors but may also occur through FPAC BC's HRD as they update the status of all employees.

- **As appropriate, a teleconference should be held with FPAC agency leadership and FPAC BC personnel to provide advance notice to the agency Labor-Management Forum and union leadership regarding their role in preparing bargaining unit employees should a shutdown occur.** Personnel included, but not limited, to this teleconference should include the following: FPAC Chief of Staff, FPAC BC Chief of Staff, Chief Human Capital Officer; Branch Chief, Workforce Operations, and Section Chief, Employee and Labor Relations Services



- **Agencies may conduct shutdown preparation meetings with appropriate levels of management and employees.** They would include NHQ meetings as well as meeting with and/or within regions, districts, and/or States as is appropriate within the respective FPAC agency.
- When approved by the Department: Notification from or on behalf of each FPAC agency head to employees advising them to make preparations for possible shutdown. The letter will include reminders regarding cancelling planned travel and meetings, completing timesheets, and providing shutdown checklists that will need to be completed as soon as possible upon arriving at work on the first day of shutdown. This activity should not exceed four hours.
- One business day prior to possible shutdown: FPAC agencies may hold leadership teleconferences and meetings where the appropriate senior leadership will review final preparations and responsibilities/expectations in the event of a shutdown. Agencies can also continue to hold meetings to communicate information received and approved for distribution from the Department, OPM, OMB, and other relevant sources.
- When provided by the Department: Letter (email) from the Assistant Secretary for Administration, advising employees to make preparations for a shutdown.

### **During the Shutdown**

- Day 1 – First workday of the shutdown after lapse in appropriation: Furlough notice and relevant guidance and attachments sent to all furlough employees (i.e., employees not deemed excepted or excepted on call) via email by or on behalf of each FPAC agency head. At the direction of the Under Secretary, each agency head will notify employees to begin shutdown procedures.
  - Furlough employees will complete shutdown activities defined on checklists as soon as possible upon arrival at work. When completed, they will be placed on furlough. Excepted and excepted on-call employees will be notified by their supervisors of their responsibility to remain for duty, as appropriate, until dismissed.
  - Supervisors must complete the supervisor shutdown checklist and report status (email or phone) to their supervisor within four hours of initiating shutdown activities.
  - Supervisors notify the FPAC BC's HRD via email of any employees who did not receive furlough notification due to long term leave, travel outside of the country, or any other reason which prevented receipt.
  - Chiefs of Staff (or designee) verify the completion of shutdown activities within their agencies and report status appropriately to the Plan Coordinator who relays shutdown of the mission area to the Under Secretary's Office.
- Day 2 - Day 4: Only employees who were previously identified as required to perform functions necessary for orderly shutdown of administrative or program activities will

report for work as needed. Employees performing work identified as excepted or excepted on call continue to work.

- As each shutdown function is completed, the excepted employee must notify completion up the chain of command to the appropriate FPAC leadership.
- Each employee whose shutdown function is completed will be furloughed immediately and formally notified by their supervisor or appropriate FPAC leadership if the supervisor is not available or furloughed.
- Day 5 and beyond: Employees performing excepted and excepted on-call work will continue operations, as appropriate. As applicable, employees completing shutdown functions continue tasks for each succeeding day until the FPAC agency head determines the shutdown is complete. There will be periodic communications between the agencies and the Under Secretary's Office on the status of the shutdown.

### **Prohibited Activities During Shutdown**

Unless determined to be exempt, partial exempt, excepted, or excepted on call, the following are generally prohibited activities for all furloughed employees:

1. Completion of any activities that are mission related.
2. Awarding of contracts and/or small purchases.
3. Hiring of personnel or extending the appointment of personnel whose appointments have expired if doing so would result in unauthorized obligation of funds.
4. Travel of persons and/or transportation of things. Persons in travel status on the first day of shutdown must return to their duty stations as soon as possible.
5. Attending or scheduling meetings, conferences, workshops, and seminars.
6. New or continued employment of experts and consultants - such actions will incur a financial obligation which is prohibited during shutdown.
7. Attending or scheduling training classes and/or other training activities.
8. Use of equipment and utilities not related to excepted activities where their use creates liabilities for the government beyond those existing on the date of the funding lapse.
9. Use of a government-owned mobile device by furloughed employees is prohibited.
10. The use of vehicles by Agency furloughed personnel or non-Federal partners.
11. Volunteering for functions related to official duties.
12. Smartphone usage – Do not respond to any e-mails unless authorized.
13. Laptop usage – Do not use the laptop until authorized.
14. Office Phone messages – Do not check your office land line phone or your office cell phone for messages until authorized.
15. Any work, of any kind, unless instructed directly from your supervisor as part of a recall or back to work activity.
16. Furloughed employees are prohibited from performing official duties and will not be compensated for any unauthorized work. Failure to follow these instructions may result in disciplinary action.

### **FPAC Mission Area Shutdown Committee**

A Shutdown Committee will guide the transition from full operational status to shut down. The Committee is responsible for overseeing the implementation of the Plan; monitoring and responding to exempt, partial exempt, excepted, and excepted on call activities continuing under a shutdown; providing related policy and procedural direction; ensuring coordination and consistency across functional areas. The FPAC Shutdown Committee includes:

- FPAC Chief of Staff to the Under Secretary, Chair
- Deputy COO, FPAC BC, Plan Coordinator and Vice Chair
- Associate Chief, NRCS
- Associate Administrator, FSA
- Associate Administrator, RMA
- Chief Human Capital Officer
- Budget Officer (excepted or on call, as appropriate)
- Chief Financial Officer (excepted or on call, as appropriate)
- Assistant Chief Information Officer (excepted or on call, as appropriate)
- Director, External Affairs Division (excepted or on call, as appropriate)
- Director, Management Services Division (excepted or on call, as appropriate)
- Director, Acquisitions Division (excepted or on call, as appropriate)
- Director, Grants and Agreements Division (excepted or on call, as appropriate)
- Director, Homeland Security Division (excepted or on call, as appropriate)

**Days 1-5 of a shutdown:** FPAC Agency Heads and Senior Leadership as identified, and the Shutdown Committee may be designated as excepted or excepted on-call and will report to work. Executive Assistants to Agency Heads and other FPAC senior leadership, as applicable and approved, may be designated as excepted on-call. Excepted employees may be identified for selected days or all days of shutdown.

- Employees whose work is critical to the protection of life or property will also be excepted, and they may not necessarily participate in shutdown activities.
- Other employees identified and approved as excepted will also be identified, however they may not necessarily participate in shutdown activities.

**After day 5 of a shutdown:** Only the following employees may be designated as excepted due to the responsibility of the shutdown committee as determined by the Under Secretary:

- Agency Heads and Select Agency Senior Leadership
- Agency Chiefs of Staff
- Chief Financial Officer
- Budget Director
- Acquisitions Director
- Chief Human Capital Officer
- Assistant Chief Information Officer
- Employees whose work is for the protection of life or property
- Other employees identified and approved as excepted due to policy determination

All other employees on the Committee or Team will be designated as excepted on-call and will be in furlough status unless called in to report. In addition, Agency Heads can make recommendations and determinations for employees after consultation with the Under Secretary, FPAC BC Human Resources and FPAC BC Budget Division.

## **Mission Support: Roles and Responsibilities**

### **Information Technology**

The FPAC Assistant Chief Information Officer (ACIO) is responsible for ensuring an orderly shutdown of Information Technology (IT) Systems, as well as making sure exempt and excepted IT systems are available and operating with a high level of confidence:

- All government equipment (computers, laptops, iPhones, iPads, etc.) must be secured and may not be used during the shutdown except by those in exempt, excepted and excepted on-call. Senior leadership (including the Administrators, Chief, Associate Chiefs, Associate Administrators, Chiefs of Staff, Deputy Chiefs, Deputy Administrators, Regional Conservationists, State Executive Directors, Division Directors, and State Conservationists) should retain a mobile device.
- All employees, including senior leadership placed in furlough status, may not remotely access government networks or applications, or use government equipment.
- Only exempt and excepted IT Systems, as identified by agency business leaders, and approved by the Associate Chief or Associate Administrator, with concurrence of the Under Secretary, will be available and operational.
- All non-exempt or excepted websites will be off-line, and users will be redirected to a common splash page stating that the information may not be up to date. If the website is public facing, it should also state the Agency may not be able to respond to inquiries until appropriations are enacted.
- Employees should reset network and other system specific passwords to ensure expiration does not occur during shutdown.
- The FPAC ACIO will provide ongoing monitoring to ensure availability and proper functionality of exempt and excepted systems during shutdown.
- The FPAC ACIO will identify the minimum information technology support required to maintain and support exempt and excepted IT services, systems, and infrastructure.

### **FPAC Exempt and Excepted IT Systems**

The identification of IT exempt and excepted systems is dependent on an assessment of needs to support any activities identified by the Associate Chief or Associate Administrators with concurrence of the Under Secretary. If an activity or program is determined to be exempt or excepted, the associated applications and systems necessary to support those activities will be identified and categorized as exempt or excepted.

The approval of any special ADA exceptions, while in the midst of shutdown, will result in a need for the FPAC ACIO to complete a new assessment and determination of systems needed to support activities that fall under a special ADA exception, and approved through the DCOO.

IT applications that support the protection of life and property or support IRA-related efforts and the supporting infrastructure will remain active during a potential shutdown. All other IT applications and services will be shutdown.

### **Exempt and Excepted Contracts to Support IT Systems**

In support of the systems identified as necessary to continue during a lapse in funding, other contracts will have the appropriate contract and government oversight resources throughout the shutdown. These resources will address critical issues that may prevent operation of the system (ex. critical defect, cyberattack) All other systems will proceed through individual shutdown plans for orderly termination of mission area functions.

### **Human Resources**

In the event of a lapse in appropriations and government shutdown, Human Resources must, in conformance with Departmental directives:

- Ensure notice is provided to all non-excepted employees that they are subject to being placed in furlough status.
- Ensure advance notice to all collective bargaining units is provided, as appropriate, concerning shutdown and furlough related topics. Initiate impact and implementation bargaining as appropriate.
- Inform individuals on detail to FPAC agencies from non-Federal organizations (IPA assignments or contribution agreements) that they are subject to shutdown in the same manner as permanent employees.
- Inform all FPAC employees on detail to Federal or non-Federal organizations that they are subject to furlough in the same manner.
- Inform temporary employees and students that they must be furloughed in the same manner as permanent employees.
- Inform volunteers (e.g., NRCS's Earth Team) that volunteering is not an excepted activity.

### **FPAC Supervisors**

In the event of a lapse in appropriations and government shutdown, FPAC supervisors must, in conformance with Departmental directives:

- Provide employees on a non-duty day for the first day of shutdown with activities they are required to complete as part of an orderly shutdown.
- Make prior arrangements with remote employees and employees on telework, alternate work schedules, or leave without pay under Family and Medical Leave Act (FMLA), to complete shutdown activities.

### **Travel**

- Prior to shutdown, all vouchers from previous travel must be submitted and approved to help ensure payment prior to systems being shut down. If travel is taken close to a possible shutdown, payment may not be made until after the shutdown.
- During an extended shutdown event, government issued credit card companies will use a forbearance clause and will work with the government and employees on payments once returned to normal business operations. FPAC employees whose government issued credits cards are in good standing will not move to delinquent status; however, if an employee was in delinquent status prior to the shutdown, then the account will continue in delinquent status until payment is made.
- Generally, all FPAC employees in travel status or on detail in another location must return to official duty stations as soon as possible once notified to begin shutdown activities.
- Employee change of duty station actions may be delayed, depending upon the individual circumstances.

### **FPAC Contracts, Grants, Agreements and Asset Management**

- One week prior to a possible shutdown, FPAC agency State and NHQ leadership must work with appropriate Contracting Officers and Contracting Officer Representatives (COR) to identify the status of all contracts by placing them into one of the following categories:
  - 1) exempt and will continue performance;
  - 2) excepted and must continue performance to ensure the safety of life and/or property;
  - 3) will continue performance because the contract is funded, does not require Government oversight or support from the COR, and contractor staff have access to Government facilities and/or systems if applicable; or
  - 4) performance must stop if it does not fall into one of the preceding categories or if continued performance would be waste of taxpayer funds (e.g., janitorial services for a building that is not occupied).
- After OMB and Departmental guidance is provided, Contracting Officers will notify contractors of whether performance will continue or stop.
- Contracting Officers will notify the Acquisitions Division Operations Branch Chief, who will in turn notify the Acquisitions Division Director via e-mail that all notifications have been made.

The above is subject to adjustment due to any updated Departmental guidance that may be received.

#### Exempt Contracts

States and NHQ will identify Federal contracts (governed by the Federal Acquisition Regulation) that must remain in full effect, which are funded with a supplemental appropriation.

#### Excepted Contracts

States and NHQ will identify Federal contracts that must continue performance to ensure the safety of life and/or property.

- The Department of Justice and OMB have defined such contracts to be those for which the suspension of the function would imminently threaten the safety of human life or the protection of property.) To be excepted, the following two conditions must exist:
  - A reasonable and articulable connection between the obligation (i.e. contract) and the safety of life or the protection of property, **AND**
  - Some reasonable likelihood either the safety of life or the protection of property would be compromised in some significant degree by failure to carry out the function in question – and the threat to life or property can be reasonably said to be near at hand and demanding immediate response.

### Other Acquisitions Guidance

Routine, on-going operational and administrative activities relating to contract administration (including issuing modifications and payment processing) or the award of new contracts, cannot continue when there is a shutdown unless staff are exempt or excepted. Acquisitions Division staff are generally not available, but a limited number of staff have been identified as excepted on-call to support excepted activities when necessary. None are considered exempt.

### Extension or Cancellation of Procurement Actions

Contracting Officers will identify any Federal procurement actions that may expire during shutdown.

- Contracting Officers, in conjunction with the COR, must make a determination on contracts with options that may need to be exercised before the shutdown occurs, if it would not violate appropriations law (e.g., exercising an option for which funds are not available).
- Contracting officers must review and identify impacts of shutdown on any solicitations, bid/offer due dates or bid/offer acceptance periods, etc., that will expire, or that are scheduled to be conducted during the potential shutdown period.
- Contracting Officers will take the necessary actions to cancel, extend, or delay any of the above actions.

### Purchase Cards

The U.S. Bank credit card system will be available. However, the USDA Credit Card Service Center (CCSC) will be providing very limited service as needed to support excepted functions. Transactions should only be made to support excepted functions in accordance with applicable appropriations authority.

## **Grants and Agreements**

### Examples for Grants and Agreements (including Farm Bill program funded)

- For previously awarded and obligated grants and agreements (including Farm Bill program funding):
  - These instruments remain in effect.
  - Partners/landowners/recipients should be notified they can continue the work of these agreements/grants to the extent that they can do so without any technical or other assistance from agencies.
  - The notification should also indicate that until agency employees return and all operations are fully functional, payments will be delayed; therefore, any actions they take will be at their risk as no certifications, reimbursements, etc., will be conducted or processed.
- For previously awarded/obligated agreements with awardees who may enter into third-party agreements and the support and assistance by agencies is not critical:
  - Parties to third-party agreements make an award at their own risk as no technical assistance or administrative actions (i.e., reimbursement) from the agencies can be conducted during shutdown. Only at the time that all Government functions are once again operational would agencies be able to provide assistance and process payments.



Depending upon the length of the shutdown, agencies may need to issue supplemental guidance around excepted grants and agreements.

## **Management Services**

### Real Property and Facilities Management

- All real property owned or leased by an FPAC agency will not be available for use through the furlough unless utilized by an excepted or exempted employee or unless covered by the partner reimbursable agreement exception below. All expenses for fuel, utilities, supplies, etc., must be kept to the minimum required to perform excepted work.
- All delegated leases expiring during the furlough will enter into lease holdover status.
- Mail and printing services will not be available during the furlough.
- In locations where an FPAC agency shares space with non-Federal partners and the FPAC agency bears the costs for the space, partners will be prohibited from entering and using the office during the shutdown. Partners will not be able to use/access any FPAC agency equipment, files, and other property.
- If the partner's space is segregated and separate from USDA space and they are paying all costs through a reimbursable agreement with NRCS, FSA, or RD, their operations may continue; however, they will still be prohibited from accessing and using Federal files, computers, other equipment, etc. All FPAC agency equipment, files, property and any segregated and/or separate space will be secured and locked for the duration of the shutdown.
- In leased space, notify lessor about lapse in funding and reduce support services such as janitorial service (unless there are excepted employees in the building). Be sure trash is removed before lapse begins.
- Leases will not be terminated in the event of shutdown; however, actions must be taken to secure real and personal property and conserve energy.
- Actions should be taken to keep utility costs to a minimum during shutdown period.
- Utilities, such as heating, should be maintained at a minimum to prevent property damage (such as frozen pipes).
- Advise employees and lessor to secure the premises and power down systems (such as HVAC) and lighting as per a Federal holiday. Computers and other electronic items should be locked in a secure area.

### Non-fully Serviced Leases

- Measures should be taken to ensure janitorial services are available in offices that janitorial services are not provided in accordance with the lease agreement.
- Contact utility services to prevent, if possible, the suspension of utility services during the lapse of appropriation.

### Personal Property

- All personal property (vehicles, survey equipment, copiers, etc.) owned or leased by an FPAC agency will not be available for use through shutdown unless utilized by an excepted employee while performing excepted activities. All expenses for utilities, supplies, etc., must be kept to the minimum required to perform excepted work and to conserve energy.

- Partners are prohibited from access to or use of FPAC agency equipment, files, and other property. All FPAC agency equipment, files, space, and property (including segregated and separate space) will be secured and locked in the duration of the shutdown.
- The use of vehicles by non-Federal partners or other non-excepted personnel is prohibited.
- Fleet cards will only be available for excepted activities during shutdown.
- Employees using FPAC agency owned or leased vehicles must ensure they maintain the logs, as well as all receipts during their excepted work period.
  - All expenses should be kept to the minimum required to perform excepted services.
  - Fleet vehicles should be parked, and equipment secured at the designated garage(s) or authorized location(s) to prevent theft/damage, unless required for excepted functions.
- All supervisors must identify measures to secure records, personal property, real property, and facilities that will be maintained and protected during shutdown.

### **Budget and Financial Management**

Budget and Financial Management will work in conjunction to centrally manage the spending chain process for excepted and exempted activities where obligations and payments need to occur. The Financial Management Modernization Initiative (FMMI) System will be available to support excepted activities as needed by agency programs.

### **Time and Attendance**

As directed, all FPAC employees should complete their timesheet for the pay period in which the shutdown is occurring, timekeepers must verify those timesheets, and managers/supervisors will be given further information from the Human Resources Division.

Employees who are in excepted and excepted on call status and work during shutdown will be provided guidance from the Human Resources Division on how to record their hours during the shutdown, as guidance may change due to the National Finance Center's system and support.

### **Post Furlough Activities**

All employees are responsible for following guidance on OPM's and OMB's website related to status. Employees will be required to return to work as directed by OPM and/or OMB when an appropriation is enacted, either by a full-year appropriation or a CR.

### **Agency Specific Guidance for Shutdown**

For NRCS, FSA, and BC, IRA-funded activities, such as conservation planning and oversight of financial assistance activities, will continue to the extent feasible.

### **Natural Resources Conservation Service**

### **General**

NRCS will continue agency operations using available Inflation Reduction Act and other funding, including FY2024 conservation operation funds as well as prior year carryover discretionary funding, to implement NRCS services and programs at USDA service centers and offices.

### **Programs with Mandatory Funding**

Mandatorily funded programs are fully funded for FY 24 and will continue to be utilized for program implementation and support, to the extent for which external agency support (i.e. FBC, FSA) is available to complete necessary tasks.

### **Programs without Mandatory Funding**

Discretionary carryover balances vary by program and will be closely monitored and assessed on a pay period basis to ensure adequate funding is available to maintain full agency operations for as long as possible.

### **Employee Status Determination**

When carryover discretionary balances are determined to be insufficient to support full agency operations, NRCS will shift to a reduced operating posture focused on mandatory Farm Bill and/or Inflation Reduction Act program implementation.

All agency employees will begin the shutdown period working as “exempt” in their normal capacity in their respective programmatic areas. NRCS NHQ will provide prior year discretionary program allocations at predetermined intervals to allowance holders to support agency operations during the lapse in appropriations. Full-year mandatory program allocations have already been provided and will continue to be available.

If the need arises to shift to mandatory program implementation only, NRCS will identify "exempt" employees that are legally and legitimately working 100 percent of their full tour of duty per pay period on mandatory Farm Bill Programs. All other employees who will work less than 80 hours per pay period on mandatory Inflation Reduction Act or Farm Bill Programs will be designated as “excepted”, “excepted on call” or “furloughed” based on the duties of their position and will receive pay when the lapse in appropriations has ended.

Some limited number of FPAC Business Center employees would need to be in excepted/on-call status to manage critical issues that occur with personnel, acquisitions, contracts, grants, and agreements in place for the NRCS programs that are operational.

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### **Risk Management Agency**

RMA is partially funded through mandatory funding in the amount of \$7M that RMA transfers annually to its Salaries & Expenses for use to fund staffing. As a result, in the event of a shutdown, RMA is funded sufficiently to continue to operate in a limited capacity to focus on essential operations utilizing the \$7 million. The RMA activities that would be continued during a government shutdown would include:

1. Accurate processing of Approved Insurance Provider financial operations;
2. Continued program payments and offering of crop and livestock insurance policies including Dairy Revenue, Livestock Risk Protection, and Livestock Gross Margin;
3. Maintaining the Federal crop insurance price support function and needed updates to business systems to ensure appropriate payments and insurance offers are made;
4. Limited activities to ensure program maintenance and orderly implementation of recently released, or approved, policies.

RMA will re-evaluate the shutdown plan at the end of week 2.

## **FPAC Business Center**

The FPAC BC will cease all normal operations with the exception of those to ensure an orderly shutdown and the protection of life and property. The “Mission Support: Roles and Responsibilities” section found above in this Plan outlines in detail the activities that will continue or cease, as applicable, during a lapse of funding.

The Shutdown is led by the Deputy Chief Operating Officer and the outlined Division Directors across the Agency. These employees will be excepted or excepted on-call during the lapse of appropriation to ensure a proper shutdown. The necessary number of employees will be dependent on the USDA policy.

Limited exempted FPAC BC staffing as necessary to maintain oversight and coordination with contracted activities associated with the Discrimination Financial Assistance Program (DFAP) under section 22007 of the Inflation Reduction Act (IRA) will continue during a lapse in funding. The program is being administered by private companies with USDA oversight and supervision.

Limited exempted FPAC BC staffing is provided with IRA section 21001, 21002 ,22006 and 22007 funds.

## **Farm Service Agency**

FSA employees will cease all program delivery activities. Select FSA leadership at headquarters and state offices will be excepted on call to ensure continuity of operations in the case of a natural disaster response and to ensure the security interest of CCC. If a shutdown continues past 10 days, additionally, one farm loan employee and/or one county office farm program employee per service center will be excepted on call in order to complete certain loan processing items to protect the security interest of the government and to prevent the loss of security or loss of value to security for the borrower. This will not include any new loan processing but will include continuing liens, processing protective advances, if needed to preserve security (including inventory properties) and reviewing a borrower’s account to gather the necessary information to respond to a bankruptcy notification to identify FSA debts and assets. Because the excepted work is ongoing and intermittent throughout the day, the employee shall remain at work to be immediately available to perform the excepted function. If there are intervals of time where the employee is not performing and is not expected to perform excepted work, the employee may perform limited non-excepted work. That work must not interfere with the proper execution of or readiness to perform an excepted activity. Employees may not be excepted solely for the purpose of performing non-excepted activities.

IRA funds are available for certain activities and staff paid with those funds will continue their work to the extent feasible.

