

**Animal and Plant Health Inspection Service**  
**Plan for Operations during a Lapse in Appropriations**  
**December 2018**

APHIS has identified those functions necessary to affect an orderly shutdown of normal activities or that are exempted or excepted in accordance with the guidance provided by the USDA's Office of Budget and Program Analysis (OBPA) and the Executive Branch's Office of Management and Budget (OMB).

**Definitions**

Below are definitions for terminology used in this plan based on guidance from OMB.

A **furlough** is the placing of an employee in a temporary nonduty, nonpaid status because of lack of work or funds, or other nondisciplinary reasons.

In the event that funds are not available through an appropriations law or continuing resolution, a **"shutdown furlough"** occurs. A shutdown furlough is necessary when an agency no longer has the necessary funds to operate and must shut down those activities that are not excepted pursuant to the Antideficiency Act.

In the context of shutdown furloughs, the term **"excepted"** is used to refer to employees who are funded through annual appropriations who are nonetheless excepted from the furlough because they are performing work that, by law, may continue to be performed during a lapse in appropriations. Excepted employees include employees who are performing emergency work involving the safety of human life or the protection of property or performing certain other types of excepted work.<sup>1</sup>

Employees are **"exempt"** from furlough if they are not affected by a lapse in appropriations. This includes employees who are not funded by annually appropriated funds. Employees performing those functions will generally continue to be governed by the normal pay, leave, and other civil service rules.

Employees who are funded through annual appropriations but are not designated as excepted are barred from working during a shutdown, except to perform minimal activities as necessary to execute an orderly suspension of agency operations related to non-excepted activities. Time required for shutdown activities will be determined on a case-by-case basis, though may not take more than four hours without supervisor's approval. These employees will be furloughed. As such, administrative support for exempt and excepted activities during a furlough may be reduced, since some employees who normally provide this support will not be working.

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<sup>1</sup> A more complete list of excepted activities can be found in the OMB Memorandum on Agency Operations in the Absence of Appropriations, dated November 17, 1981. Additional background regarding the permissible scope of government operations during a lapse in appropriations is included in the OMB Memorandum on Government Operations in the Event of a Lapse in Appropriations, dated August 16, 1995.

Per USDA guidance to Agency Heads, dated October 30, 2013, operating plans during periods of lapse in appropriations are to be structured to allow the agencies flexibility to bring staff in and out of furlough status as appropriate, including time for preparation for an emergency event or emergency response work.<sup>2</sup> These employees are designated as “**on call**”. Employees designated as “on call” are to perform shutdown activities the same as “non-excepted” employees. If called to work, the employee will remain in a nonpay status. The employee will receive payment for the hours of excepted work performed during the duration of the furlough period *after* appropriations are passed. When not performing excepted activities, the employee is in furlough status.

## **Section I. Orderly Closure and Communications**

The following section addresses shutdown procedures:

Prior to Day 1, the following actions will be completed:

The Administrator, Deputy Administrators, Associate and Assistant Deputy Administrators, overseas Regional, Area and Program Managers, Executive Directors (EDs), Associate Executive Directors (AEDs), National Science Program Leaders, Laboratory Directors, State Plant Health Directors (SPHDs), Supervisory Facility Operations Specialists, Center Directors, Port Directors, Wildlife Services State Directors (WSSD), Deputy Director for Administration (WS), and other applicable Directors will identify those functions that need to be performed that are solely associated with an orderly shutdown of normal activities. Such functions may include but are not limited to:

- Identifying measures to secure records, personal property, real property, and facilities that will be maintained and protected until appropriate disposition is accomplished.
- Drafting a strategy for communicating with Agency employees.
- Drafting a strategy for communicating outside the Agency as necessary.
- Identifying all potential meetings, hearings, and other previously arranged Agency business that may need to be cancelled.
- Identifying all exempt and excepted employees and ensuring that employees have been identified consistently and fairly in compliance with applicable personnel regulations.
- Identifying what Chief Information Officer systems support is needed to maintain excepted services and information technology infrastructure.
- Identifying all employees in international travel status.
- Identifying all contractors and contracts that could be impacted by an impending shutdown.
- Identifying what instructions and procedures Human Resources Division (HRD) will provide to employees for the shutdown period.

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<sup>2</sup> USDA, OBPA memorandum to Agency Heads from Don Bice, Associate Director, “Review and Update Lapse in Appropriations Contingency Plans”, dated October 30, 2013.

- Identifying appropriate Department contacts for communications purposes and orderly shutdown of the Agency.
- Identifying all potential mail and equipment deliveries, including vehicles to government occupied offices, adjusting for safe storage.
- Initiating bargaining over furlough related topics.
- Establishing communication procedures with key USDA partners to determine any possible excepted activities that may require APHIS participation. This will include working with Foreign Agricultural Service (FAS) on upcoming international trade negotiations as well as regulatory activities with Food Safety Inspection Service.

### Bargaining Unit Requirements

APHIS Labor Relations staff will provide pre-decisional draft notice of the APHIS Plan to the Unions. As part of this pre-decisional notice, APHIS will provide unions with specific program plan information. Union(s) may request additional information as part of the pre-decisional process. Opportunity to provide pre-decisional involvement between the parties will be offered within a reasonable time frame. Unions' feedback, suggestions, and concerns will be considered.

If the Union(s) are not satisfied with the outcome of pre-decisional involvement, legal notice of the plan and proposed implementation will be provided to the Union(s). Unions will be asked to trigger bargaining obligations within an expedited time frame. APHIS will make every reasonable effort to complete bargaining obligations prior to implementation of a shutdown.

### First half of Day 1 (First Day funds are not available):

*Report to Work.* Unless instructed otherwise by their supervisor, all employees will report to work as usual on the first scheduled work day following the determination that an emergency furlough is necessary. Those employees teleworking may "report" by telephone if they can conduct all necessary actions for an orderly shutdown from an off-site location.

*Employee Notification.* HRD will provide furlough instructions to supervisors. Supervisors will notify affected employees either verbally or in writing of the need to conduct an emergency furlough. Supervisors will ensure that affected employees are provided: copies of the Memorandum of Status to Employees; the Employee Checklist; the SF-8 form (Unemployment Compensation for Federal Employees); and "questions and answers for furloughed employees," which provides information on a variety of topics, including continuation of benefits coverage. Supervisors will document the employee's receipt of notification—even if notified verbally. Notification may or may not be provided in advance of the actual furlough date, but all affected employees will receive written notification at some point. The notification procedures identified in the APHIS Emergency Notification System, Directive 1810.1, may be used in the interest of efficient notification if the Agency Head determines that it is impractical to provide advance written notice.

*Employee Identification.* The names of employees who are exempt or needed to carry out excepted activity will be transmitted to HRD, immediately upon identification. HRD will ensure

that no personnel action is taken to furlough exempt or excepted-activity employees. Personnel actions to furlough all other Agency employees will be processed by Human Resources, as directed by the Office of Personnel Management (OPM). Employees who are to be furloughed will complete time sheet entry in WebTA, as instructed by their supervisor, as part of the Agency shutdown procedures described below. Supervisors will inform exempt and excepted employees of any changes in supervisory structure resulting from the shutdown (i.e. when supervisors are furloughed, and employees are exempt or excepted). Identified supervisors should have sufficient training and experience to provide supervisory support, including reporting incidents impacting security and safety and health, and to conduct job hazard analyses for employees' assigned work that is different from their usual job functions.

Employees reporting to work will be instructed to continue their exempted work, begin their excepted activity work or, for furloughed employees, begin shutdown operations to include:

- Secure all personally identifiable information (PII) and confidential or sensitive data in the work area and clear the open, accessible work space as appropriate.
- Provide supervisor with current personal contact information.
- Complete any organization-specific shutdown activities as directed by their supervisor.
- Discuss cancellation of any meetings scheduled on the first day of the furlough.
- For the ease of resuming work, document the status of assignments and projects so they can be resumed, transferred, or otherwise appropriately handled when the funding situation is resolved.
- Remove or secure all valuable personal belongings.
- Dispose of/remove all perishable food and personal items from work and break areas.
- Ensure all small appliances are turned off and unplugged.
- Secure all government equipment, especially portable electronic devices.
- Make sure that work time is recorded in WebTA as instructed. WebTA may be accessed at: <https://wta.nfc.usda.gov/usda/>.
- Set voicemail and email out-of-office notification with the pre-approved scripted message provided by Department officials.
- Shut down the computer completely and turn off the monitor (do not just restart the computer, actually shut it down).
- Lock the office door, if applicable, at departure.

Supervisors will:

- Issue "Notice of Furlough" and "Furlough Checklist" to all employees.
- Survey employees regarding any meetings scheduled on the first day of the furlough or later involving non-government entities and take appropriate action.
- Ensure all outstanding travel vouchers have been approved and processed via Concur for travel dates prior to the second day of the furlough.

- Ensure employees have canceled any reservations made outside of Concur (such as for hotel or rental car) for travel scheduled after the first day of the furlough.
- Provide detailed instructions to all employees designated as “*Exempt*” or “*Excepted*,” including those subject to recall only, on the following:
  - a. Nature of work assignments
  - b. Work site for furlough period
  - c. Expectations for communication
  - d. Tour of duty
  - e. Organizational contacts for the furlough period
  - f. Any other pertinent information
- Check and ensure that all items have been cleared from common break areas (remove food from refrigerator, clean and turn off coffee pots, etc.).
- Advise furloughed employees that they are not allowed to use government-issued equipment during the furlough period, except if placed in on-call status.
- Cancel all annual and sick leave during the furlough period to include leave already commenced and approved.
- Ensure employees in travel status have been directed to return home.
- Verify proper completion of all of your employees’ T&As before departure on the first day of the furlough. WebTA may be accessed at: <https://wta.nfc.usda.gov/usda/>.
- Complete the Employee Furlough Checklist, to be provided by Human Resources management.
- Set out-of-office notifications with pre-approved scripted message on all common email and voice mail accounts (main line phone numbers, group email boxes, etc.).

The APHIS Information Security Coordinator (ISC) will contact the Local Information Security Specialists to ensure that all classified materials and equipment under their control is accounted for and remains secure. The Local Information Security Specialists will:

- Conduct an inventory of their classified holdings;
- Ensure all classified materials and equipment are secured the day prior to the beginning of the furlough; and,
- Ensure their secure room is closed, locked, and alarmed.

#### Notification to Contractors

The Mission Area Senior Contracting Official (MA-SCO) will ensure that all applicable Federal Acquisition Regulations (FAR) and Agriculture Acquisition Regulation Advisories (AGAR) are followed. In addition, the MA-SCO will direct that all existing contracts be reviewed to determine whether the contracts are funded with appropriated, multi-year or no-year funds. If any contract is funded in excess of available appropriations in error, e.g., a period of

performance has been stated beyond the expiration of a Continuing Resolution, the error will be corrected so as to limit the Government's liability.

For contracts funded with current year appropriated funds, contracting officers will issue stop work orders or suspension of work orders, consistent with FAR Part 42, with the exception of contracts whose purpose is the protection of life or property or those services needed for the orderly shutdown of government operations. Contracts that are funded from funds previously awarded/obligated and available would continue.

#### Second half of Day 1:

Managers and supervisors will coordinate the following activities intended to shut down Agency's operations:

- Document the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when APHIS' ultimate funding situation is determined.
- Prepare files for permanent storage, transfer to related agencies, or other disposition.
- Submit a final list of employees through the Associate Deputy Administrators, EDs, AEDs, National Science Directors, Laboratory Directors, SPHDs, Supervisory Facility Operations Specialists, WSSDs, Regional Directors, overseas Regional Managers, Field Operations Directors, District Directors, or other Directors, to their respective Deputy Administrator and then to the Associate Administrator no later than the end of Day 2.
- Contracting Officers and Contracting Officer Technical Representatives will continue to contact all appropriate contractors and vendors to let them know the status of their work and whether or not it is suspended.

#### Day 2:

Employees who were previously identified as required to perform functions necessary for the orderly shutdown of program activities will report for work.

Employees leading, directing, and performing work identified as exempted or excepted from shutdown procedures (described in Sections II- Exempted and III-Excepted) will continue to work. Excepted employees may be placed in an "on call" status, depending on the nature of the activity and duration of the shutdown.

Employees will be directed to perform only those activities as enumerated earlier (Attachment II). As each shutdown function is completed, the supervisor must notify the supervisor at the next highest level or, at headquarters, the respective Deputy Administrator, of completion.

Each employee whose shutdown function is completed will be furloughed immediately and formally notified by their supervisor or other appropriate manager if the supervisor is not available.

There will be daily communications by the Administrator's Office on the status of the shutdown procedures with the Department contacts previously identified.

Day 3 and until completion of close down procedures:

Employees who were previously identified as required to perform functions necessary for orderly shutdown of program activities will report for work, only if necessary.

Employees completing shutdown functions will continue tasks as outlined under Day 2 for each succeeding day until the Administrator determines the shutdown is complete.

Employees leading, directing, and performing work identified as exempted or excepted from shutdown procedures (described in Sections II- Exempted and III-Excepted), will continue to perform the identified activities. There will be daily communications by the Administrator's Office on the status of the shutdown procedures with the Department contacts previously identified.

Should the appropriations hiatus last more than 5 days, the APHIS Administrator and any other officials he or she deems appropriate will review excepted and exempted Agency operations and any additional guidance provided by OPM and OMB. They may update the shutdown plan as the situation develops and circumstances warrant.

Resumption of Duties:

Furloughed employees should monitor the news for information and should report back to work on their next scheduled workday once another continuing resolution or an appropriation bill is enacted (passed by the House and the Senate and signed by the President). APHIS has a start-up plan for employees and supervisors to assist in an orderly return to duties. The start-up plan is posted on the APHIS portal (<https://my.aphis.usda.gov>).

**Section II. OMB November 17, 1981, Memorandum, Category 2: Activities financed from available funds (not subject to annual appropriations) (EXEMPTED ACTIVITIES).**

*Staffing details can be found in the accompanying attachments.*

Trust Funds

APHIS receives revenue for activities requested by cooperators. These activities include preclearing and inspecting fruits, vegetables, and nursery products before they are shipped to the United States; inspecting commercial birds in an APHIS-approved commercial bird quarantine facility; and other technical assistance. All costs that APHIS incurs to provide these services are the responsibility of the cooperator and must be paid in advance.

## User Fees

### Animal Import and Export:

As provided in 21 U.S.C. 136(c)(2), APHIS may charge and collect fees for the costs incurred in inspecting and quarantining animals imported into and exported from the United States; performing certain laboratory veterinary diagnostics and select agents services; and issuing phytosanitary certificates for plant materials bound for export. All fees collected shall be credited to the accounts that incur the costs and shall remain available until expended without fiscal year limitations (21 U.S.C. 136(c)(3)).

### Agricultural Quarantine and Inspection:

As provided in 21 U.S.C. 136(a)(1)(A), APHIS may charge and collect fees for the costs incurred in providing agricultural quarantine and inspection services in connection with the arrival at a port in the customs territory of the United States, or the preclearance or preinspection at a site outside the customs territory of the United States, of an international passenger, commercial vessel, commercial aircraft, commercial truck, or railroad car. APHIS will maintain additional personnel who can be called upon to assist with conducting these activities when requests for services exceeds the exempted workforce capacity during and outside of normal business hours. APHIS transfers a portion of these fees to the Department of Homeland Security's Customs and Border Protection (CBP). All fees collected shall be credited to the accounts that incur the costs and shall remain available until expended without fiscal year limitations (21 U.S.C. 136(a)(6)).

## Reimbursable Overtime

Under the same authorities cited above for user fees, APHIS charges for the additional overtime costs associated with providing inspection services normally performed during regular hours and covered by established user fees. These funds cover the costs of the services provided and are only received when the services are requested and provided. The amount of reimbursable overtime is subject to requests for services to occur outside of normal business hours and is scheduled as shipments arrive needing immediate clearance.

## Building and Facilities

There are incomplete construction projects that are funded from money previously appropriated and available until expended. This work would continue because contracts have already been awarded and funding is already obligated. No USDA employees would be involved.

## No-year funding

APHIS has responsibility to respond to agricultural emergencies involving invasive pests and diseases. APHIS' responses are supported through emergency transfers of Commodity Credit Corporation (CCC) no-year, mandatory funding. APHIS will continue these operations to protect U.S. agriculture and forests, including current ongoing emergency programs.



APHIS carries out certain appropriated agricultural programs that have the ability to carryover funding into the next fiscal year. APHIS will maintain program operations using carryover appropriated balances to mitigate the risks associated with animal and plant pests and diseases. The carryover funding is sufficient to cover the salaries and benefits for employees working on these activities into the next fiscal year.

### Reimbursable Agreements

APHIS is working in support of the Department of Defense (DOD) to minimize the risk of transport and establishment of invasive brown tree snakes to Hawaii, other islands, and the U.S. mainland so that operations on Guam and the Pacific can continue to support national security purposes. This activity is funded through no-year funded cooperative agreements with the DOD and the Department of the Interior.

APHIS provides scientific expertise in reducing human-wildlife conflicts, including wildlife hazards at airports, military bases throughout the United States and the world, and in protecting agriculture, natural resources, and human health and safety. To minimize the likelihood of catastrophic or major-damage bird strikes and other wildlife conflicts, wildlife biologists provide direct services to stakeholders including population management through harassment, habitat modification, or wildlife removal.

### **Foreign Staff**

APHIS has exempt positions overseas that are funded by user fees as well as through trust fund agreements and reimbursable agreements. These employees conduct the activities described above.

### Farm Bill Section 10007

The Agricultural Act of 2014 consolidated two of APHIS' Farm Bill programs: Plant Pest and Disease Management and Disaster Prevention Program (formerly Section 10201) and the National Clean Plant Network (formerly Section 10202) now under Section 10007, Plant Pest and Disease Management and Disaster Prevention Program. During the fiscal year, the Farm Bill team reviews, rates, and ranks approximately 1,000 suggested projects received by the Agency. The Agency provides funding to State departments of agriculture, territories, academia, and tribes, non-profits and private entities. Projects include training and deployment of canine teams to cooperators, developing survey methodology, procuring traps and lures that APHIS distributed nationwide to cooperators in many pest programs, outreach efforts to inform the public and make them aware of invasive plant pests, and supported development of an improved data management system for use by States and territories, other cooperators, and APHIS.

APHIS also administers the USDA responsibility to establish a "National Clean Plant Network" (NCPN), a program under which a partnership of clean plant centers is organized for diagnostic and pathogen elimination services to produce clean propagative plant material and maintain blocks of pathogen-tested plant materials in sites located throughout the United States. Clean plant material may then be made available to States for certified clean plant programs and to

private nurseries and producers. USDA consults with State departments of agriculture, land grant universities, and non-land grant colleges of agriculture.

APHIS Plant Protection and Quarantine (PPQ) has ongoing responsibilities which include program governance, addressing critical/emerging issues, developing policy and protocols, education and outreach, strategic planning, stakeholder engagement, and managing the cooperative and agreements. Therefore, APHIS employees will continue to work and support the program.

**Section III: OMB November 17, 1981, Memorandum, Category 3: Protection of Life and Property (EXCEPTED ACTIVITIES).** *Staffing details can be found in the accompanying attachments.*

**Conduct essential activities to the extent that they protect life and property, including:**

- a) **Medical care of inpatients and emergency outpatient care;**
- b) **Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials;**
- c) **The continuance of air traffic control and other transportation safety functions and the protection of transport property;**
- d) **Border and coastal protection and surveillance;**
- e) **Protection of Federal lands, buildings, waterways, equipment and other property owned by the United States;**
- f) **Care of prisoners and other persons in the custody of the United States;**
- g) **Law enforcement and criminal investigations;**
- h) **Emergency and disaster assistance;**
- i) **Activities essential to the preservation of the essential elements of the money and banking system of the United States, including borrowing and tax collection activities of the Treasury;**
- j) **Activities that ensure production of power and maintenance of the power distribution system; and**
- k) **Activities necessary to maintain protection of research property.**

Under this category, APHIS carries out functions b, d, e, g, h, and k.

**b. Activities essential to ensure continued public health and safety, including safe use of food and drugs and safe use of hazardous materials**

The APHIS Emergency Management, Safety and Security Division's Safety, Health and Environmental Protection Branch is responsible for providing oversight and technical consultation on all environmental, health, and safety issues for all exempted and excepted employees. This includes areas such as occupational health, biological safety, safety and industrial hygiene, workers compensation, drug free workplace, and environmental protection. Activities may include but are not limited to accident investigations involving government owned vehicles and aircraft, and deaths. The APHIS/ Agricultural Marketing Service (AMS) Occupational Workers' Compensation Program Manager and APHIS Drug-Free Workplace Program Manager is responsible for ensuring workers' compensation claims are filed within the

regulatory requirements, claims are continually managed, and post-accident drug testing is accomplished within the regulatory requirements. The APHIS Emergency Management, Safety and Security Division's Security Branch conducts investigation of security threats and incidents, and workplace violence. Personnel to support these safety and security activities will be available on a case-by-case basis—similar to their weekend responsibilities but with no requirement that they stay at their duty stations or stay within cell phone range—to respond as necessary to provide technical assistance and conduct investigations for exempt and excepted activities.

APHIS' Safety and Security Unit (SSU) is responsible for providing oversight and technical consultation on all environmental, health, safety, and security issues for employees of the National Centers for Animal Health (NCAH) in Ames, Iowa. Responsibilities include areas such as occupational health, biological safety, safety and industrial hygiene, physical security, environmental protection, and select agent programs. A core SSU staff will be maintained to address any safety and security issues that may arise for those exempt and excepted APHIS or ARS personnel carrying out exempt and excepted laboratory/support services at the NCAH.

Animal Care (AC) regulates entities required to be licensed or registered under the Animal Welfare Act. If conditions for covered animals result in suffering as a result of failure of the licensee to follow the provisions of the regulations or standards, APHIS may confiscate the animal(s) for care, treatment, or humane disposal. In the case of dangerous animals, AC may be called in to capture and contain these animals. AC will require some of its staff to be “on-call” for these types of situations. In the event AC is in the midst of a confiscation when a lapse in appropriations occurs, involved AC employees will finish the confiscation work before reverting to either on-call or furloughed status.

Biotechnology Regulatory Services (BRS) regulates the safe development and use of certain Genetically Engineered (GE) organisms that may pose a risk to plant health, to include unintended effects on the environment, food safety, and food security. As part of these efforts, BRS regulates the introduction (importation, interstate movement, and release into the environment, or field testing) of GE organisms. This activity includes responding to incidents involving non-compliance with the conditions placed on these introductions. In any given year BRS oversees more than 2,000 field trials and thousands of requests for movements and importations of regulated GE materials. When an incident occurs that is not in compliance with the regulations and/or conditions placed on the regulated activity, responsible entities are required to contact BRS via its compliance reporting systems, phone line or e-mail system, within a set period of time to report the incident. BRS then begins a process to assess and investigate the incident, often with the assistance of inspectors from PPQ, and as needed, investigative officers from Investigative and Enforcement Services (IES).

During a Government shutdown, BRS will be required to monitor the BRS compliance call line on a daily basis in case a responsible party reports an incident in which regulated material being field tested, moved intrastate, or imported results in an unauthorized release into the environment. In doing so, BRS will require some of its staff to be “on-call”. The activities provided by these employees will be essential to protecting agriculture and the environment from potential plant health risks.

#### **d. Border and coastal protection and surveillance**

Agricultural quarantine and inspection and cattle fever tick surveillance activities prevent the introduction of animal and plant pests into this country that would be potentially damaging to American horticulture and livestock. This work includes pre-departure inspections at ports in Hawaii and Puerto Rico (inspections of travelers before they depart for the continental United States), and livestock movement quarantines and tick treatments for cattle and deer along the U.S.-Mexico border. The services rendered by these employees protect the United States from devastating incursions of animal and plant pests and diseases that could cause substantial property losses to U.S. farmers and ranchers.

APHIS Security staff will be available on a case-by-case basis to respond to security incidents for employees working on the border and in Mexico—similar to their weekend responsibilities but with no requirement that they stay at their duty stations or stay within cell phone range.

#### **e. Protection of Federal lands, buildings, waterways, equipment and other property owned by the United States**

APHIS conducts its programs in a number of owned or leased facilities, including laboratories that hold select agents. If these properties are not maintained and secured, then the Government would lose a considerable financial interest and future replacement would be several times more costly than original costs. APHIS' facilities include the NCAH, the National Wildlife Research Center (NWRC) and WS field sites, and the Center for Plant Health Science and Technology, among others. Also, personnel will be available to suitably store lab samples received daily, for testing at a later date and separate out emergency samples and user fee samples for regular testing.

APHIS Security will coordinate facility access using the enterprise physical access control system (EPACS) for facilities that support exempted and excepted personnel. Facilities on the EPACS auto-unlock and lock are based on operational need and these changes need to be programmed. APHIS operated facilities will remain operational to support exempted and excepted activities.

#### **g. Law enforcement and criminal investigations**

IES, provides investigative and enforcement support relating to serious alleged violations of Federal statutes and regulations under APHIS' jurisdiction that require immediate investigative attention (such as biotechnology that impacts health, American agriculture, or trade; animal and plant diseases that present a serious risk of harm to health or American agriculture; animal welfare violations resulting in animal suffering; or border-related alleged violations that present a serious risk to health or American agriculture). IES employees will be placed on-call and activate, as appropriate, staff to support APHIS in its response(s) to significant events.

Animal Care employees will also be placed on-call to review complaints and significant events using predetermined criteria to determine if a response is warranted during the period of lapse in appropriations. Additional employees may be called in to respond as necessary.

## **h. Emergency and disaster assistance**

Should an animal or plant health emergency occur, APHIS employees needed to support a response will be activated, as appropriate. APHIS' Emergency Management, Safety, and Security Division's staff will be available as needed to activate the APHIS Dr. Jere L. Dick Operations Center (JDOC). Two JDOC personnel will be available on an as-needed basis only to activate the JDOC and its equipment, and to perform related assistance duties. In the event of an ongoing outbreak, the Agency will maintain adequate personnel to support the incident.

Foreign animal disease (FAD) diagnosticians and incident command system (ICS) teams will be available on a case-by-case basis to respond to FAD investigations and FAD emergencies—similar to their weekend responsibilities as emergency response officials—but with no requirement that they stay at their duty stations or stay within cell phone range. Similarly, one public affairs specialist and one Agency Web specialist will be available on an as-needed basis to post information about an FAD outbreak or other emergency. Laboratory personnel will be available to run tests on samples associated with FAD investigations, and, at the beginning of the period, to close out pending lab tests.

PPQ has ongoing plant health emergency and domestic programs that would need to continue in the event of a shutdown. In addition, PPQ has ICS teams that are on-call to respond to new or developing plant health emergencies.

APHIS serves as the coordinating agency and as a primary agency for Emergency Support Function #11 (ESF#11) of the National Response Framework. ESF#11 personnel will be available on a case-by-case basis to respond to activations of ESF #11—similar to their weekend responsibilities but with no requirement that they stay at their duty stations or stay within cell phone range. These employees provide agriculture and natural resources support when activated under a FEMA Mission Assignment. All APHIS personnel activated during a lapse of appropriations would be funded in entirety (including salary<sup>3</sup>, overtime, and travel) by FEMA. Activities could include pre-activation situational awareness activities if funded by FEMA Mission Assignment. These personnel are essential to the national disaster response mission. APHIS provides technical assistance and subject matter expertise to FEMA to coordinate response under all five functions of ESF#11. FEMA will notify the USDA Operations Center of any activations of ESF#11. The USDA Operations Center will notify the APHIS Security Officer, who will notify the ESF#11 National Coordinator or appropriate ESF #11 Regional Coordinator. Mission Assignments will be negotiated prior to activation and mobilization of responders.

APHIS employees who provide radiation response support to the interagency Advisory Team for Environment, Food and Health, or the USDA Advisory Team will be available on a case-by-case

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<sup>3</sup> Under normal operations, full-time employees funded by appropriations may only be reimbursed for their travel, per diem and overtime/night pay differential when activated under a FEMA Mission Assignment, as the salary and benefits are already funded in the appropriation. In the event of a lapse in appropriation, activated employees salary and benefits will be funded under the FEMA Mission Assignment.

basis to respond to activations—similar to their weekend responsibilities but with no requirement that they stay at their duty stations or stay within cell phone range. Requests for support will be made by the USDA Operations Center and funded in entirety from response funds.

#### **k. Activities necessary to maintain protection of research property**

APHIS' NWRC research scientists develop wildlife damage management methods to reduce threats to human health and safety. APHIS will maintain staff at NWRC and its associated field sites to care for the animals being studied or maintained. APHIS also houses animals at its National Veterinary Services Laboratories (NVSL), including its Foreign Animal Disease Diagnostic Laboratory (FADDL), that are necessary for diagnostic and methods development work.

In several APHIS programs, sterile or biological-control insects are continuously reared in order to retard the spread or eliminate harmful insect infestations in the United States or prevent them from reaching our borders. If operations were to cease at these facilities, these insects would no longer be produced and starting these programs again would be costly and time consuming; failure to continuously release sterile insects in barrier zones would allow pests to spread and reverse years and billions of dollars in investments.

#### **Foreign Staff Activities<sup>4</sup>**

APHIS' overseas operations fall under U.S. State Department authorities. APHIS' U.S. direct hire (USDH) employees paid by appropriated funds are designated as excepted according to the Office of Management and Budget guidance. This guidance allows activities that provide for the national security, including the conduct of foreign relations essential to the national security or the safety of life and property, to continue in the absence of appropriations. APHIS' locally employed staff (LES) positions are also considered excepted. Local labor laws generally prohibit these employees from being furloughed and require the United States to continue to pay their salaries.

APHIS also has staff in the Afghanistan theater of operations pursuant to an Interagency Agreement with DOD. In Afghanistan, APHIS staff work under the auspices of DOD and continue to perform activities related to the Bird/Aircraft Strike Hazard program during a lapse in funding.

A limited number of employees will be on-call to provide basic management and administrative support and coordination of services as needed for APHIS employees working overseas.

#### **Agency-wide Management and Support**

During a lapse in appropriations, APHIS senior level management will be maintained at a minimal level to staff the Office of the Administrator as well as program level exempted and excepted activities. Minimum support staff from the HRD; Financial Management Division; Acquisition and Asset Management Division; Information Technology Division; and Emergency

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<sup>4</sup> This language was coordinated with FAS' Office of Foreign Service Operations.

Management, Safety, and Security Division will be maintained to support APHIS program delivery in Categories II and III, and also to provide administrative services for exempt and excepted employees of the AMS and the Grain Inspection, Packers and Stockyards Administration. APHIS administrative staff will provide basic services in procurement, contracting, facility engineering, labor and employee relations, human resources, personnel actions including death benefits, furlough and staffing actions, payroll, budget and finance, accounting, mailroom support, and worker's compensation.