

**Grain Inspection, Packers and Stockyards Administration**  
**REVISED AGENCY SHUTDOWN PLAN**  
**IN THE EVENT OF A LAPSE IN APPROPRIATIONS OR OTHER INTERRUPTION OF FEDERAL FUNDING**

**I. PURPOSE**

This plan establishes the policies and procedures the Grain Inspection, Packers and Stockyards Administration (GIPSA) will follow in the event of a lapse in appropriations or other interruption of Federal funding for GIPSA programs.

**II. POLICY**

The Constitution provides that “no money shall be drawn from the treasury, but in consequence of appropriations made by law (U.S. Const. art. I section 9 cl 7).” The Antideficiency Act unambiguously prohibits agency officials from incurring obligations in the absence of appropriations.<sup>1</sup> The *Office of Management and Budget (OMB) Circular A-11, Preparation, Submission and Execution of the Budget. July 2016*, and Office of Personnel Management guidance, located at [www.opm.gov](http://www.opm.gov) provide the policy and regulatory guidance that prohibit all officers and employees of the federal government from entering into obligations in advance of appropriations unless law otherwise authorizes the obligations. This includes the prohibition of accepting voluntary services for the United States, or employing personal services not authorized by law, except in cases of emergency involving the safety of human life or the protection of property (31 U.S.C. section 1342).

Based on OMB Circular A-11, if there is a lapse in appropriation GIPSA will suspend and furlough employees, programs, and activities totally funded with appropriation funding. Employees, programs, and activities totally funded with user fees will continue, where funds are available. Employees, programs, and activities funded with user fees and appropriations funding activities will remain operational proportionate to the user fee funding level and discontinue proportionate to the appropriated funding level. GIPSA will suspend and furlough employees, programs, and activities in accordance with the appropriated funding level.

GIPSA will continue to provide inspection and weighing services supported by user fees. These activities are exempted activities.<sup>2</sup> Of the 767 total GIPSA staff year equivalents, 535 staff year equivalents are exempted activities. One staff year activities are excepted.<sup>3</sup> The remaining 231 staff years are subject to furlough in accordance with this plan (Attachment 1).

Notes:

1. Applicability of the Antideficiency Act upon a Lapse in an Agency's Appropriations (1980) and Authority for the Continuance of Government Functions during a Temporary Lapse in Appropriations" (1981).

2. GIPSA exempted employees are those whose compensation is financed by a resource other than annual appropriations.

3. GIPSA excepted employees are those who perform safety protection and environmental emergency work for the program supported entirely by user fees.

**III. USER FEE ACTIVITIES**

**A. Direct Service Delivery (Funded by User Fees)**

GIPSA’s mission is to facilitate the marketing of cereals, oilseeds, and related agricultural products and protect fair trade practices, financial integrity, and competitive markets for livestock, meat, and poultry for the overall benefit of producers, consumers, and American agriculture. GIPSA’s programs directly and significantly affect two key sectors of American agriculture – the grain and related commodity and livestock markets.

GIPSA will continue to provide all grain and related commodity inspection and weighing program activities supported by user fees authorized by the U. S. Grain Standards Act (USGSA) and the Agricultural Marketing Act of 1946 (AMA) (see section IV for appropriated fund activities). Local managers of GIPSA's Federal Grain Inspection Service (FGIS) will evaluate service requests and, with approval from FGIS' Field Management Division (FMD) Director assign employees to revenue-generating functions. FGIS offices will charge their existing user fee management codes for all activities provided during the duration of the shutdown. All travel directly related to providing inspection service (i.e., revenue-producing work) will be approved by supervisors.

Reimbursable activities funded in advance by other USDA agencies (e.g., the pesticide data program, pesticide record keeping program, National Institute of Standards and Technology agreement and the Commodity Credit Corporation agreement) will continue, since they are exempted activities.

#### **B. Internal Administrative and Program Support (Partially Funded by User Fees)**

GIPSA will maintain internal support for user fee programs at their essential levels to ensure that GIPSA is able to provide inspection and weighing program activities. GIPSA's internal administrative and program support provided by the Office of the Administrator, FGIS Deputy Administrator's office, Civil Rights, Information Technology, Management and Budget Services, Field Management Division, and Technology and Science Division, that receive funding from both user fees and appropriated funds will continue and remain operational proportionate to their user fee funding level.

The user fee funding support determines the number of hours worked by each employee in this category. Due to the sporadic nature of some of the work, additional hours or "on-call" arrangements may be required to respond to higher than average user-fee supported work, or to deal with problems that threaten the ability of user-fee activities to operate (e.g. computer server problems).

During a shutdown, employees funded by user fee funds and appropriation funds will work commensurate with the number of employment hours supported by each fund. Employees will continue to provide internal support for user fee programs proportionate to the user fee funding level. They will be in a furlough status for the work hours funded by appropriation funds.

During a shutdown, employees working a non-standard schedule must change to a standard work schedule for the subsequent pay periods. Managers and administrative officers must ensure that all employees know which short hand codes to use and how much time to attribute to each code for employees' user fee funded employment hours.

During a shutdown, employees in a travel status funded with user fees and appropriations will end travel and immediately and return to their duty stations. They will be in a furlough status for the work hours funded by appropriation funds.

Beginning the first workday during a shutdown employees funded by user fee funds and appropriation funds will work commensurate with the number of employment hours supported by user fee funds. Employees in this category are prohibited from using government equipment, such as mobile phones and computers, for any activities not related to the user fee funded programs.

#### **C. External Support**

All providers of external support services, such as the National Finance Center (NFC) for billing, collections and payroll; Marketing and Regulatory Programs Business Service's Human Resources Division for a variety of personnel and administrative services; the Kansas City Computer Center for data processing; National Information Technology Center (NITC) for web servers and database support (i.e. FGISonline); and, the Office of Operations (OO) for South Building operations will be notified that GIPSA intends to continue the inspection operation and that ongoing support will be required. If such

support is not provided and/or if the level of support compromises the quality of service delivered to the industry, GIPSA may be forced to discontinue service.

#### **IV. APPROPRIATED FUND ACTIVITIES**

##### **A. General**

During a shutdown, all programs and activities supported by appropriated funds will discontinue. This involves all activities conducted by GIPSA's Packers and Stockyards Program (P&SP) and all compliance, standardization, methods development, and international monitoring activities conducted by GIPSA's Federal Grain Inspection Service (FGIS).

All employees funded entirely by appropriated funds will work on the first workday of the shutdown to initiate shutdown procedures, unless previously notified by the Agency not to report. Not more than one-half day will be needed to complete the shutdown procedures. Supervisors will provide all employees with their assignment of duties and other pertinent information for an orderly shutdown. Employees in this category are prohibited from using government equipment, such as mobile phones, and computers.

##### **B. Consequences of a Shutdown on Program and Service Delivery**

A discontinuation of all P&SP's activities will hinder the program's enforcement of the Packers and Stockyards Act. Similarly, a discontinuation of FGIS' compliance activities will affect GIPSA's ability to ensure that the U. S. Grain Standards Act, applicable provisions of the Agricultural Marketing Act of 1946, and applicable regulations are implemented accurately and uniformly throughout the official grain inspection and weighing system. The inability to investigate alleged violations could hamper corrective action in the long term. This could have an immediate impact on members of industry if marketing is disrupted or conducted under inappropriate conditions due to the violations. Grain and related commodity inspection and weighing program work display seasonal trends and all other GIPSA activities are not seasonal in nature.

Methods development activities include applied research or testing that produces new or improved techniques for measuring grain quality. Even a short-term disruption of methods development activities could affect projects where the ongoing collection and testing of new crop samples is critical. GIPSA's international monitoring programs monitor the quality and weight of grain shipments between origin and destination ports; responds to grain quality or weight complaints received through the Foreign Agricultural Service or other sources; and briefs representatives of importing countries both in the U. S. and abroad on the roles and responsibilities of GIPSA.

Additionally, the international monitoring program works with USDA sister agencies, the Food and Drug Administration, and cooperator organizations to increase awareness of GIPSA's roles and responsibilities in the U. S. and abroad. One potential impact of shutdown may be a delay in addressing a discrepancy of an urgent nature, should one arise. For example, an importer alleges that a cargo is contaminated with a toxic substance. Such a situation could have a severe adverse impact on the image of American agriculture as a supplier of high quality, wholesome products. Such a situation could also disrupt orderly trade if, for example, the vessel was detained, the cargo was unnecessarily destroyed, or the payment was withheld.

#### **V. Timeline for Orderly Closure and Communications**

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

- GIPSA's Administrator will conduct a review of documentation submitted to DM/OBPA to ensure a current understanding of available funding and other impacts on the plan by category of employees.
- GIPSA's Office of the Administrator will develop a communication plan to provide key information to internal and external customers.

- GIPSA's Administrator (or an appropriate designee) will issue a letter to all employees notifying them of a potential furlough, including answers to commonly asked questions, such as the impact of a furlough on benefits, leave, and unemployment.
- GIPSA's Union/Management Coordinator will notify the Union of a potential furlough.\*

\*Notification required if trust programs are shut down (Section VII below) and/or if there may be potential disruptions due to external service suppliers, such as NFC, not providing full support service while user fee programs remain operational.

- GIPSA's Director of Management and Budget Services will notify external suppliers of required external support.
- GIPSA managers will develop specific furlough and work schedules (hours and days).
- GIPSA supervisors, of employees who will be furloughed, will update a list of all employees in their work units, complete with telephone numbers (i.e., a telephone number at which each employee can be reached during a shutdown).
- GIPSA's Director of Management and Budget Services will provide MRP Business Services/Human Resources Division with list of employees who will continue to work.
- The Director of MRP Business Resources/Administrative Services Division will notify contractors about the status of their contracts.

First business day following a lapse in appropriations legislation and additionally as necessary:

- GIPSA's Office of the Administrator will provide recurring status reports to OSEC.
- GIPSA's Administrator calls into service COOP related staff, if needed.

First half of first business day following a lapse in appropriations or other interruption of Federal funding:

All non-exempt employees (i.e., employees funded fully by appropriated funding) will report to their supervisors to receive assignments of duties or other pertinent information for an orderly shutdown. They will initiate orderly shutdown procedures, which include among other things, a discussion between supervisors and employees about assignment of duties, restrictions pertaining to the use of government equipment, and other pertinent information.

Managers and supervisors will coordinate the following activities intended to terminate GIPSA's operations and employees fully or partially funded by appropriations:

- MRP Business Services/Human Resources Division will prepare and provide GIPSA with furlough notices to distribute to employees as appropriate.
- Distribute furlough notices at headquarters and all field units to all employees who have not been determined to be necessary for GIPSA's termination activities
- Communicate close down instructions and procedures to all employees.
- Contact any employees on leave and communicate that their leave is cancelled.
- Contact any employee in travel status and direct the employee to return to duty station.
- Ensure that all employees to be released validate time and attendance records.
- Ensure that all records, personal property, and real property are secured.
- Cancel all meetings, hearings, and previously arranged GIPSA business.
- Validate existing communication strategy and employee contact information for future communication need.
- Managers at locations outside of Washington, D.C. will notify their mailrooms or local post offices to put a hold on mail deliveries.

There will be daily communications by the Administrator's Office on the status of the close down procedures with the Department contacts identified previously. The Director of MRP Business Services/Human Resources Division will be responsible for:

- Providing instructions and procedures to managers and supervisors for all employees during the shutdown period. This will include provisions for call back of employees in the event that it is determined they are needed to complete shutdown procedures.
- Providing specific instructions for employees to complete final time and attendance report.
- Ensuring that individual furlough notices will be prepared, reviewed and approved.
- Ensuring that all employees' time and attendance records are processed by the National Finance Center.
- Delaying hiring of new employees.

The Director of MRP Business Services/Acquisition Management will be responsible for:

- Coordinating with all contracting officers and contracting officer technical representatives to notify all contractors and vendors that work is suspended.

#### Second half of Day 1:

Managers and supervisors will coordinate the following activities intended to terminate GIPSA's operations:

- Document the status of cases and projects so that they can be resumed, transferred, or otherwise appropriately handled when the GIPSA ultimate funding situation is determined.
- Prepare files for permanent storage, transfer to related agencies, or other disposition.
- Complete identification of employees whose presence at work will be required to perform functions associated with the orderly cessation of program activities. This includes:
  - Name of each employee required to continue closedown operations.
  - Title of each employee identified, and
  - The termination function that each identified employee is to perform.
- A finalized listing will be submitted through the Deputy Administrators/ Directors to GIPSA's Office of the Administrator no later than the end of Day 2.
- Contracting Officers and contracting officer technical representatives will continue to contact all contractors and vendors to let them know that work is suspended.

#### Day 2 and subsequent days:

- Only employees who were previously identified as required to perform functions necessary for orderly shutdown of program activities will report for work.
- Employees leading, directing and performing work identified as "exempted" from shutdown procedures on page 1 will continue to work.
- Employees will be directed to perform only those activities as enumerated earlier.
- As each shutdown function is completed, each program Director will notify their respective Deputy Administrator of completion and identify those employees who were responsible for the task. The Deputy Administrators will provide an update to the Administrator. Office of the Administrator Directors will provide a report directly to the Administrator.
- Each employee whose shutdown function is completed will be furloughed immediately and formally notified by their supervisor or appropriate Line Officer if the supervisor is not available. There will be daily communications by GIPSA's Office of the Administrator on the status of the close down procedures with the Department contacts previously identified.
- GIPSA's Office of the Administrator will communicate daily with the Department contacts previously identified on the status of the close down procedures.

## **VI. CONTINGENCY PLAN FOR USER FEE PROGRAM SHUTDOWN**

Under the authority of the U. S. Grain Standards Act and the Agricultural Marketing Act of 1946, GIPSA's FGIS, as the primary USDA program involved in grain quality and quantity certification, provides inspection and weighing services for grains and commodities; monitors the performance of the national inspection network, which is comprised of licensed State and private inspection agencies; and maintains the Official U.S. Standards for Grain. The grain industry relies on FGIS to provide the necessary documents to complete trading transactions. These documents, required by private sales contracts, are submitted to financial institutions as proof of delivery. Financial payment is provided upon the review of these documents. Loading and transportation delays and the inability to provide these essential documents in a timely manner due to a Government shutdown will significantly affect the finances and economics of the highly competitive U. S. grain and commodity marketing system serviced by FGIS. In the event the Administration modifies the GIPSA shutdown plan to include user fee programs, all FGIS personnel and internal administrative support personnel will be furloughed and all offices will be closed.