

## Food, Nutrition and Consumer Services (FNCS)

### Preparations for Shutdown as a Result of a Lapse in Appropriations

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

### FNS Operations during a Lapse in Appropriations

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

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

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

**Exempt Activities:** Funding for exempt activities is received independent of the annual appropriations process and, as such, is not subject to lapse. FNS currently receives a series of appropriations for activities within the Child Nutrition programs and for the Senior Farmers

Market program directly from authorizing statute without need of annual appropriation action. **These programs and activities will continue during a lapse in annual appropriations.** Please see *Exempt Personnel Funded by Direct Appropriation* below for a discussion of the Federal staff associated with these programs and activities.

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

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

### **Excepted Personnel Required for the Continuation of Excepted Programs and Activities**

USDA and OMB have jointly determined that there is Congressional intent that core programs of the nutrition safety net, including the Supplemental Nutrition Assistance Program (SNAP), the Child Nutrition (CN) programs and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) shall continue operations during a lapse in appropriations. Budget authority including: multi-year carry over funds; contingency reserves; and quarterly apportionment of funds by OMB under the continuing resolutions due to standard obligational patterns and the special mandatory payments provision have been apportioned by OMB to support program operations during the period of the lapse. To fulfill this Congressional intent, it is a necessary implication that a limited number of FNS employees be excepted from furlough to support program operations. These activities include, but are not limited to, program policy, operations, and financial management. In addition, in order to meet the requirements of the National Nutrition Monitoring and Related Research Act of 1990; and Agricultural Act of 2014, FNS will designate excepted staff working on the development of the Dietary Guidelines for Americans.

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

During any lapse in appropriation FNS works to keep excepted staff to the minimum necessary to support program continuation. However, it is important to note that the operational environments of FNS programs are very dynamic. It is not possible to completely anticipate the number of staff and mix of skills required to respond to every challenge which may arise in the course of a lapse. FNS will use the USDA recommended recall process to bring furloughed staff

back to duty to accomplish critical tasks on an as needed basis. Once that task is completed, recalled staff will return to furlough status. Further, excepted staff listed below in Tables 1 and 2 whose services are determined to be unnecessary for a specific lapse may be moved to furlough status at the discretion of the Administrator.

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

<b>Organization</b>	<b>Excepted Staffing</b>
<b>Administrator's Office</b>	Administrator Chief of Staff to the Administrator Senior Associate Administrator for Policy
<b>Office of the Chief Operating Officer</b>	Associate Administrator and Chief Operating Officer
<b>SNAP</b>	Associate Administrator for SNAP Director, SNAP Program Development Division Director, SNAP Retailer Policy and Management Director, Program Administration and Accountability Division
<b>Child Nutrition</b>	Deputy Administrator for CN Programs Director, Policy and Program Development Division
<b>Supplemental Nutrition and Safety (SNAS)</b>	Deputy Administrator for SNAS Director, Supplemental Food Nutrition Program Division (SFNP) Director, Food Distribution Division (FDD)
<b>Office of Financial Management</b>	Chief Financial Officer Director, Budget Division Chief, Program Budget Branch Accountant, ASAP/AMA Certification Accountant, ASAP/AMA Certification Accountant, FRB/AMA Reconciliation
<b>Office of Management</b>	Director, Human Resources Division Director, Contracts Management Division Director, Operations and Facilities Division
<b>Office of Information Technology</b>	Chief Information Officer Director, Portfolio Management Division Director, Technology Division Director, Information Security Division Chief, Network Engineering Operations Branch Chief, Customer Service Branch
<b>Office of Policy Support</b>	Deputy Administrator for Policy Support Director, Communications Division
<b>Center for Nutrition Policy and Promotion</b>	Deputy Administrator Designated Federal Officer
<b>Retailer Operations and Compliance</b>	Deputy Administrator for ROC

Organization	Excepted Staffing
<b>Regional Operations and Support</b>	Associate Administrator for ROS Director, Office Emergency Management
<b>Northeast Regional Office</b>	Regional Administrator
<b>Mid-Atlantic Regional Office</b>	Regional Administrator
<b>Southeast Regional Office</b>	Regional Administrator
<b>Mid-West Regional Office</b>	Regional Administrator
<b>Mountain Plains Regional Office</b>	Regional Administrator
<b>Southwest Regional Office</b>	Regional Administrator
<b>Western Regional Office</b>	Regional Administrator

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

Organization	Excepted Staffing
<b>Administrator's Office</b>	Administrator Chief of Staff to the Administrator Senior Associate Administrator for Policy
<b>Office of the Chief Operating Officer</b>	Associate Administrator and Chief Operating Officer Deputy Chief Operating Officer
<b>SNAP</b>	Associate Administrator for SNAP Director, SNAP Program Development Division Director, SNAP Retailer Policy and Management Division 5 additional excepted positions as needed
<b>Child Nutrition</b>	Deputy Administrator for CN Programs Director, Policy and Program Development Division
<b>Supplemental Nutrition and Safety (SNAS)</b>	Deputy Administrator for SNAS Director, Supplemental Foods Program Division (SFPD) Director, Food Distribution Division (FDD) Chief, Funding Branch, WIC 4 additional excepted positions as needed
<b>Office of Financial Management</b>	Chief Financial Officer Director, Budget Division

<b>Organization</b>	<b>Excepted Staffing</b>
	Chief, Program Budget Branch Budget Analyst Budget Analyst Director, Accounting Division Accountant, ASAP/AMA Certification Accountant, ASAP/AMA Certification Accountant, FRB/AMA Reconciliation Systems Accountant, FMMI Program Systems Accountant, FMMI Administrative
<b>Office of Management</b>	Director, Human Resources Division Director, Contracts Management Division Director, Operations and Facilities Division 3 additional excepted staff as needed (PAR processor, master timekeeper, contracts specialist)
<b>Office of Information Technology</b>	Chief Information Officer Director, Portfolio Management Division Director, Technology Division Director, Information Security Division Chief, Network Engineering Operations Branch Chief, Customer Service Branch 2 additional excepted positions as needed (telecom, network, and program management)
<b>Office of Policy Support</b>	Deputy Administrator for Policy Support Director, Communications Division
<b>Center for Nutrition Policy and Promotion</b>	Deputy Administrator Designated Federal Officer 4 additional excepted positions as needed
<b>Retailer Operations and Compliance</b>	Deputy Administrator for ROC
<b>Regional Operations and Support</b>	Associate Administrator for ROS Director, Office Emergency Management
<b>Northeast Regional Office</b>	Regional Administrator Regional GMAS Director Regional SNAP or SNP Director Grants Management Specialist or Accountant (2)
<b>Mid-Atlantic Regional Office</b>	Regional Administrator Regional GMAS Director Regional SNAP or SNP Director Grants Management Specialist or Accountant (2)
<b>SERO</b>	Regional Administrator Regional GMAS Director Regional SNAP or SNP Director Grants Management Specialist or Accountant (2)
<b>MWRO</b>	Regional Administrator Regional GMAS Director Regional SNAP or SNP Director Grants Management Specialist or Accountant (2)
<b>MPRO</b>	Regional Administrator Regional GMAS Director Regional SNAP or SNP Director Grants Management Specialist or Accountant (2)

Organization	Excepted Staffing
<b>SWRO</b>	Regional Administrator Regional GMAS Director Regional SNAP or SNP Director Grants Management Specialist or Accountant (2)
<b>WRO</b>	Regional Administrator Regional GMAS Director Regional SNAP or SNP Director Grants Management Specialist or Accountant (2)

### **Exempt Personnel Funded by Direct Appropriation**

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

### **Personnel for Orderly Shutdown**

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

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