

## ALERT

### Contingency Plans by Agency

The following summary details the contingency plans for the 13 key departments and agencies:

- » U.S. Department of Agriculture
- » U.S. Department of Commerce
- » U.S. Department of Defense
- » U.S. Department of Education
- » U.S. Department of Energy
- » U.S. Department of Health and Human Services
- » U.S. Department of Homeland Security
- » U.S. Department of Housing and Urban Development
- » U.S. Department of Justice
- » U.S. Department of Transportation
- » U.S. Department of the Treasury
- » U.S. Environmental Protection Agency
- » U.S. Social Security Administration

### U.S. Department of Agriculture

**The Contingency Plan for the U.S. Department of Agriculture (USDA) was published on Oct. 20, 2020. It specifies the following:**

- » The **Farm Service Agency** will continue programs with mandatory funding or sufficient carryover and continue accepting applications for Mandatory Farm Programs, Conservation Programs, Disaster Assistance and Farm Loan programs. Direct and Guaranteed Farm Loans and State Mediation Grants, among other programs not covered by mandatory or carryover funding, will likely cease.
- » The **Risk Management Agency** has \$7 million in mandatory funding to support Program and Financial Integrity, which includes ensuring the integrity of the crop insurance program, funding escrow, and executing price discover and support efforts. New product development for the Federal Crop Insurance Program will likely cease being permitted.

- » The **Farm Production and Conservation Business Center (FPAC-BC)** will remain in operation to support exempt and excepted activities of the Farm Service Agency (FSA), Risk Management Agency (RMA) and Natural Resources Conservation Service (NRCS), including budget execution of available mandatory and carryover funding and homeland security necessary for property protection. Activities outside of those necessary for the continued operation and financial integrity of FSA, RMA and NRCS will cease.
- » The **Foreign Agricultural Service** will staff support programs with available mandatory and carryover funding and work on critical exempt programs. Daily administrative activities, non-critical foreign travel, email and access to work files for non-essential staff, and non-funded reimbursable agreement activities will cease.
- » The **U.S. Codex Office** will continue to execute activities related to presidential duties for preparation and participation in critical international negotiations, which cannot be postponed or canceled, as well as critical actions following negotiations.
- » The **Office of Rural Development** will continue to preserve its loans and grant portfolio that currently exceeds \$262 billion. In addition, the office will work to support the mission-critical activities.
- » The **Food and Nutrition Service** will continue Child Nutrition operations until funding expires. New store authorization for Supplemental Nutrition Assistance Program (SNAP) and Women, Infants and Children (WIC) programs will cease, and only existing SNAP and WIC will continue. SNAP and WIC will remain until existing appropriations are expired.
- » The **Food Safety and Inspection Service** will utilize carryover funding to continue conducting inspection activities. The agency will also provide personnel that are critical to the functioning of food safety operations in the nation's food supply. These functions include the normal inspection of meat and poultry that is mandated by law. The agency will continue necessary lab work critical to the identification of public health concerns and threats.
- » The **Forest Service** will continue the activities that are funded by non-appropriations funds: fire suppression activities, managing timber sale contracts, protecting research field centers, maintaining Job Corps centers, and use of recovery funds for the process and monitoring of high-priority critical infrastructure.
- » The **Agricultural Research Service** will protect research property and data if significant damage can occur without regular attendance. Senior leadership will continue to communicate through official channels.
- » The **Economics Research Service** will cease all activities and senior leadership will continue to communicate through official channels.
- » The **National Agricultural Statistics Service** will continue to provide the publication of Agricultural Prices reports as it is a mandatory activity funded during the shutdown.
- » The **Animal and Plant Health Inspection Service** will continue to provide inspections of fruits, vegetables and birds, and the service will conduct animal quarantine import/export activity along with certain veterinary diagnostic activities.
- » The **Agricultural Marketing Service** will continue mandatory grading, inspection services, oversight of Research and Promotion Boards, laboratory operations, Farm Bill-funded activities, Market Agreements and Orders, and product procurement for nutrition assistance programs.
- » The **Office of Partnerships and Public Outreach** will continue to have staff for the 2501 grants and positions mentioned by law, including the Farmworker Coordinator, the Youth Outreach Coordinator and the Director.

- » The **Hazardous Materials Management** will continue to coordinate the Department's environmental response and restoration efforts.
- » The **Office of the Chief Economist** will continue to provide support for the World Agricultural Supply and Demand Estimates program.
- » The **Office of Communications** will cease to publish USDA press releases, policy guidance and information related to public affairs issues and programs, and publications and information distribution.
- » The **Office of Inspector General** will continue to provide law enforcement activities. The **Office of the General Counsel** will continue required legal services that are fee-funded programs and court-ordered litigation.

## U.S. Department of Commerce

**The Contingency Plan for the U.S. Department of Commerce was published on Sep. 7, 2021. It specifies the following:**

- » The Commerce Department will continue to provide water, climate and weather observations, predictions, forecasts and warnings based on the National Oceanic and Atmospheric Administration. In addition, the oversight functions for the protection of marine fisheries and fisheries management activities for those related to prevent overfishing will continue.
- » The **National Oceanic and Atmospheric Administration** will continue to provide water level data for the U.S. ports and critical nautical chart updates.
- » The Commerce Department will continue its export enforcement, which includes the expected activities of ongoing criminal investigations and prosecutions. It also includes coordination with other enforcement agencies to protect national security.
- » The **National Vulnerability Database** will continue to be updated as well as the national timing and synchronization infrastructure.
- » The activities related to the **U.S. Census Bureau** (decennial census operations), the **First Responder Network Authority**, the **National Technical Information Service** and the **U.S. Patent and Trademark Office** will continue so long as the prior year's annual appropriations finances are available. Once the funding is exhausted, operations will cease.

## U.S. Department of Defense

**The Contingency Plan for the U.S. Department of Defense (DoD) was published Sept. 12, 2023. It specifies the following:**

- » If the contract was awarded before the shutdown, the contractor may continue to provide services, and no new contracts can be executed. The shutdown does not mean the termination of the contract, but that new funding will not be available. The Department can enter into new contracts when necessary for an expected activity on an emergency basis.
- » DoD military operations will continue; however, personnel will work without pay during the shutdown period.

## U.S. Department of Education

**The Contingency Plan for the U.S. Department of Education was published on Sept. 27, 2021. It specifies the following:**

- » The Education Department has mandatory funding for key programs, and the obligations and payments through those programs will continue. These programs include Federal Direct Student Loans and Pell Grants.
- » The Education Department has 36 non-mandatory programs that have advanced funds from the prior year's appropriations bill that obligations and payments can continue until the availability of funds ceases.
- » COVID-19-supplemental programs authorized through the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) and American Rescue Plan (ARP) will continue to operate as long as the funds are still available through the lapse of funding.
- » Certain grant programs that prevent or significantly damage the execution of funded functions will continue. However, the continuation is on a limited basis after the lapse of funding has continued for one week and will only last in the short term.

## U.S. Department of Energy

**The Contingency Plan for the U.S. Department of Energy (DOE) was published Sept. 6, 2023. It specifies the following:**

- » An extended lapse in appropriations may result in employee furloughs. Employees may be recalled from furlough if there is an immediate threat to human life or property.
- » Financial assistance instruments and performance of contracts will continue in agreement with their terms. However, if the lapse of appropriations is extended, the Department may review and suspend functions of the contract.
- » If the lapse in appropriations is between one and five days, the DOE's operations are unlikely to be disrupted.
- » Some contractor-performed activities, such as maintaining equipment at a low level of operation to prevent permanent damage or equipment that requires cooling, will require longer than a half-day to cease operations.
- » DOE will continue operations until the prior year's funding has been exhausted, but these operations, such as travel, will be curtailed.
- » Nuclear weapons will continue to be secured and transported during the lapse by employees from the **Office of Secure Transportation (OST)**.
- » Protection of property is exempt from operations ceasing. For example, guns, guards and gates, as well as government property such as laboratory animals and scientific equipment will continue to be protected.
- » The **Chief Financial Officer (CFO)** and the **Chief Human Capital Officer (CHCO)** will issue data calls to estimate available balances within each of the Departmental elements.
- » Awards, hiring personnel, travel, meetings, conferences, seminars, employment of consultants, training, use of equipment and utilities, and authorization of overtime are not permitted to continue after available balances have been exhausted.

- » The General Counsel will be responsible for reviewing reprogramming and transfer packages, employee furlough notices and congressional testimony statements related to any lapse in appropriations.

## U.S. Department of Health and Human Services

**The Contingency Plan for the U.S. Department of Health and Human Services (HHS) was published Sept. 21, 2023. It specifies the following:**

- » HHS will maintain all necessary activities during a lapse in appropriations, specifically through advance appropriations, carryover balances, emergency supplemental funding, or third party funding. HHS's **Program Support Center (PSC)**, **Financial Management Portfolio (FMP)** **Payment Management Services (PMS)** and **Division of Payment Management (DPM)** will be operational and retain the necessary staffing to ensure delivery of grant payments for excepted programs.
- » HHS estimates that the vast majority of staff excepted for the provision of direct medical services will be working in the Indian Health Service and the National Institutes of Health (NIH) Clinical Center.

The following addresses the specific policies for the 12 operational divisions of HHS:

- » The **Administration for Children and Families (ACF)** will continue funded activities, including issuance and management of grant and contract awards, operation of the Unaccompanied Children program, management of disaster recovery work, and Head Start and other social services.
- » The **Administration for Community Living (ACL)** will continue activities provided through the Health Care Fraud and Abuse Control (HCFAC) Account and the Medicare Improvements for Patients and Providers Act (MIPPA) through carryover funding, including the Senior Medicare Patrol Program, related Medicare program integrity activities, and Medicare Beneficiary outreach activities. Staff will execute reimbursable work related to managed care consumer information and assistance.
- » The **Agency for Healthcare Research and Quality (AHRQ)** will continue activities funded through the Patient-Centered Outcomes Research Trust Fund (PCORTF), which is focused on building data capacity for executing research with patient-centered outcomes to improve evidence procurement to better inform healthcare decisions.
- » The **Administration for Strategic Preparedness and Response (ASPR)** will continue COVID-19 and hurricane response efforts, particularly through leading the federal government's COVID-19 response and supporting the medical countermeasure (MCM) program by negotiating, awarding and managing response-oriented contracts. ASPR will also continue managing contracts for pandemic influenza preparedness and overseeing contracts post-award for proper fiduciary oversight. Projects related to the advanced development of MCMs for bacterial and viral pathogens, radiological and nuclear threats, treatment options for chemical agents and strategies to improve burn care will be negatively impacted.

- » The **Center for Disease Control and Prevention (CDC)** will continue with its response to outbreaks, maintaining laboratory functions, the President's Emergency Plan for AIDS Relief (PEPFAR), and the agency's 24/7 emergency operations center. The CDC will also ensure staff continue their public health projects, especially responses to COVID-19 and Monkeypox. The CDC will continue the World Trade Center (WTC) Health Program, the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) and the Vaccines for Children (VFC) program through mandatory funding. The CDC will continue its immediate response to urgent disease outbreaks and critical investigation needs in areas such as food, healthcare, vectors (mosquitoes and ticks) and high-consequence pathogens. The CDC would collect data being reported by states, hospitals and others and report critical information needed for state and local health authorities and providers to track, prevent and treat diseases.
- » The **Centers for Medicare & Medicaid Services (CMS)** Medicare and Medicaid Programs, as well as the Health Care Fraud and Abuse Control and Center for Medicare & Medicaid Innovation activities will continue. CMS estimates that it has funding for Medicaid to fund the first quarter of FY 2024. CMS will maintain enough staff to make payments to eligible states for the Children's Health Insurance Program (CHIP) and continue Federal Exchange activities, such as eligibility verification, using Federal Exchange user fee carryover.
- » **U.S. Food and Drug Administration (FDA)** activities funded through user fees, including the regulation and testing of human and animal drugs, biosimilars, medical devices and tobacco products, will continue. This further entails the approval of new medical products, the review of requests to conduct important clinical research, the issuance of guidance and other activities to increase access to new therapies and important generic and biosimilar treatment options. The FDA will use COVID-19 supplemental funding for emergency use authorizations to respond to the COVID-19 pandemic, mitigation efforts related to potential drug and medical product shortages and other supply chain disruptions, medical device infection control, work on enforcement actions for fraudulent, counterfeit and misbranded products related to COVID-19, and work on medical countermeasures, therapies and vaccines, and important generic and biosimilar treatment options. Vital FDA activities related to imminent threats to human health or life (such as recognizing and responding to public health emergencies, addressing existing critical public health challenges, managing recalls, managing surveillance of adverse event reports, reviewing import entries, conducting surveillance inspections of regulated facilities, and conducting criminal enforcement work and certain civil investigations) will continue.
- » The **Health Resources and Services Administration (HRSA)** will continue overseeing direct health services and other activities funded through carryover balances, such as Rural Communities Opioids Response, and the Ryan White HIV/AIDS program – Parts A and B. Additionally, HRSA will continue to oversee the National Practitioner Databanks and Hansen's Disease Program using existing balances. Health professions and other activities funded through mandatory funding, prior year carryover funds and user fees will also continue.
- » **Indian Health Service (IHS)** facilities that provide patient care will remain open and the necessary staff will continue working, as will IHS Commissioned Corps officers. The continued provision of care by the IHS will be funded by third-party collections, a multiyear appropriation and carryover balances, including from supplemental COVID-19 appropriations. Facilities construction projects supported with previously appropriated funds will also continue. Tribal Health Program operations could continue, depending on the availability of funding.
- » The **National Institutes of Health (NIH)** will primarily continue ongoing activities at its biomedical research hospital, the NIH Clinical Center, to maintain safety and continue patient care. NIH will provide basic services to protect NIH animals, ongoing experiments, and facilities.

- » The **Substance Abuse and Mental Health Services Administration (SAMHSA)** will continue substance abuse and mental health programs, including Disaster Behavioral Health response teams and the Disaster Distress Helpline. SAMHSA will also continue previously funded operations through the Treatment Services Locator program, Treatment Referral Line and Suicide Prevention Lifeline. SAMHSA will have staff ready to receive and properly route any letters indicating suicidal ideation to the appropriate local Suicide Lifeline and review opioid prescription limit waivers. Most SAMHSA grants awarded in the prior year will have funds that remain available to be spent by the grantee, including the State Opioid Response Grant program and the mental health and substance abuse block grants. Retained Commissioned Corps Officers (CCO) will assist with maintaining any required grant programs, including grants funded with COVID-19 supplemental funding. SAMHSA expects its COVID-19 activities and grants will not be impacted.
- » In the **Office of the Secretary**, excepted staff in the Immediate Office of the Secretary will continue to provide leadership and key support staff to ensure Department operations and national security-related activities continue. The Intergovernmental and External Affairs Regional Directors will continue coordinate with relevant stakeholders. The Assistant Secretary for Financial Resources' budget and grants staff will continue to maintain the Department's fully funded programs.

## **U.S. Department of Homeland Security**

**The Contingency Plan for the U.S. Department of Homeland Security was published on Sept. 30, 2022. It specifies the following:**

- » The U.S. Department of Homeland Security (DHS) will continue to maintain law enforcement operations such as drug interdiction and irregular migration management. In addition, the Department will continue to process passenger and cargo inspections at ports of entry.
- » DHS will pause the processing of payments and receipts except for **U.S. Customs and Border Protection** revenue collections, the **Federal Emergency Management Agency** disaster payments and **U.S. Citizenship and Immigration Services** financial operations fee
- » The **Transportation Security Administration (TSA)** will cease all operations not deemed excepted/essential functions within four business hours following a notification of a lapse in appropriations. In 2022, TSA estimated 55,975 employees as the total number of employees exempt/excepted and estimated to be retained during a lapse in appropriations (excluding law enforcement officers in the Federal Air Marshal Service (FAMS)). The Department will continue to provide information and intelligence in relation to terrorist threat warnings and maintain counterterrorism watches.
- » The Disaster Relief Fund and fee-funded activities from funds such as the Immigration Examinations Fee Account fund will continue operations.
- » Grant programs that were funded prior to the lapse of funding will continue to operate.

## U.S. Department of Housing and Urban Development

**The Contingency Plan for the U.S. Department of Human and Urban Development (HUD) was published on Aug. 30, 2023. It specifies the following:**

- » HUD will continue the activities that work to support the Federal Housing Administration's (FHA) portfolio of insured mortgages and Ginnie Mae's work in the secondary mortgage market, considered vital to the stability of the economy.
- » Annual grant programs such as grants providing housing for the homeless and persons living with HIV/AIDS will continue to operate in the states and local communities if the grant funding has already been processed.
- » If grant funding was already processed, HUD programs that work to address threats to the health and welfare of HUD tenants will continue.
- » If the funding remains, monthly subsidy programs such as public housing operating housing subsidies, Housing Choice Vouchers and multifamily housing contracts will operate as normal.
- » The Disaster Recovery Assistance Programs will continue because the funds are through multiyear contracts.
- » The **Office of Community Planning and Development** will continue to provide obligated Community Development Block Grant (CDBG), HOME Investment Partnerships Program (HOME), Housing Opportunities for Persons with AIDS (HOPWA), Homeless Assistance Grants funds and other grant funds available for grantees. These programs will remain operational until existing appropriations are expired. In a prolonged shutdown, voucher programs may utilize all remaining funding and suspend operations.

## U.S. Department of Justice

**The Contingency Plan for the U.S. Department of Justice (DOJ) was published on Sept. 24, 2021. It specifies the following:**

- » Per OMB guidance, a broad range of DOJ activities will continue during a government shutdown. Generally, DOJ plans for the continuation of services that are critical to the protection of human life.
- » DOJ law enforcement will not be subject to furlough during a government shutdown.
- » Criminal litigation will continue in a restricted capacity during a government shutdown, while civil litigation will be limited or postponed during the shutdown period.
- » Officials in the Department's Leadership and Senior Policy/Management offices, including presidential appointees, will remain at work during a government shutdown.
- » The **Executive Office for Immigration Review** will operate in a limited capacity with attorneys present to process ongoing immigration cases and appeals.
- » The **Office of the Pardon Attorney** will retain one staff member to correspond with the Department's senior leadership in the event of a government shutdown.
- » More than half of the personnel in the **Office of the Inspector General** will remain during a government shutdown. During a lapse in appropriations, staff will continue to monitor and investigate activity within the Department.



- » Limited staff at the **U.S. Parole Commission** will continue to respond to emergency warrant requests and process parole certificates.
- » The **National Security Division** will continue to ensure national security investigations and prosecutions continue in the event of a shutdown. This includes working with the Intelligence Community in providing legal advice on national security matters.
- » **Office of the Solicitor General, Tax Division, Criminal Division, Civil Division, Environment and Natural Resources Division, Office of Legal Counsel, Civil Rights Division** and **INTERPOL Washington** will continue in a limited capacity during a government shutdown. Employees within these offices are expected to serve with presidential directives (including the review of executive orders) and commands from senior leadership at the Department.
- » Employees within the **Antitrust Division** will continue operations in a limited capacity. In addition to continuing their work on criminal trials, proceedings and issues before the court, officials will prepare cases to ensure statute of limitations deadlines are not breached. In addition, the Antitrust Division will monitor proposed mergers and is authorized to act during a lapse in appropriations.
- » **U.S. Attorneys** will continue their work if postponement is not an option during a government shutdown due to their presidential appointment status.
- » The **U.S. Trustees Program** will operate at a limited capacity during a government shutdown to ensure bankruptcy estate property is protected. Additionally, employees will remain responsive to U.S. Attorneys and the **Federal Bureau of Investigation (FBI)**.
- » **Foreign Claims Settlement Commissioners** would remain during a government shutdown while all staff within the Commission are subject to furlough.
- » **U.S. Marshalls** will remain at work during a government shutdown.
- » The **FBI** will continue to oversee current cases, open new matters and conduct investigations as its operations are critical to maintaining the security of the United States. Additionally, FBI agents and other field personnel are exempt from furlough. Those at FBI headquarters in the Criminal Justice Information Services Division, Records Management Division and within the National Instant Criminal Background Check System will remain at work during a shutdown period.
- » All **Drug Enforcement Agency (DEA)** agents, including the Administrator, are exempt from furlough.
- » All **Bureau of Alcohol, Tobacco, Firearms and Explosives** agents, including the Director, are exempt from furlough.
- » All security and medical staff employed by the **Federal Bureau of Prisons** are exempt from furlough.
- » Grants awarded by the **Office of Justice Programs, Office of Community Oriented Policing Services** and **Office on Violence Against Women** are funded by no-year appropriations and, therefore will continue during a shutdown, in addition to the staff administering the grant programs.

## U.S. Department of Transportation

**The Contingency Plan for the U.S. Department of Transportation (DOT) was published September 22, 2023. It specifies the following:**

- » Major **Federal Aviation Administration (FAA)** activities that will continue during a shutdown include but are not limited to: air traffic control services, medical certifications for pilots, commercial space launch oversight and licensing, foreign relations regarding aviation safety matters, accident investigations, and communications and intelligence work. In addition, airport inspections, aviation-related Research, Engineering and Development funded by multiyear appropriations, and activities funded by allocations from Infrastructure Investment and Jobs Act (IIJA) are not affected by a government shutdown.
- » Some activities of the **FAA** that can operate in a limited capacity include air traffic safety oversight and congressional liaison services.
- » Major activities of the **FAA** that will fully cease during a government shutdown include aviation rulemaking, facility security inspections, development and evaluation of **NextGen** technologies (DOT's plan to modernize the National Airspace System), air traffic performance analysis and dispute resolution.
- » Agencies overseeing programs funded by the Highway Trust Fund or the IIJA will likely continue to supervise the implementation of those programs. These administrations include the **Federal Highway Administration (FHWA)**, **Federal Motor Carrier Safety Administration (FMCSA)**, **National Highway Traffic Safety Administration (NHTSA)** and the **Federal Transit Administration (FTA)**.
- » Major **Federal Railroad Administration (FRA)** services that will continue during a government shutdown include rail accident management and incident investigations. Other key individuals in the administration will continue their services during a government shutdown, including the Administrator, Chief Counsel, Chief Financial Officer and other critical administration operations officials.
- » Major **FRA** services that will cease during a government shutdown include all the activities that are assigned to the Office of Railroad Policy and Development, the distribution of funds for research and development projects, and routine media inquiries.
- » Major activities of the **Pipeline and Hazardous Materials Safety Administration** that will continue during a government shutdown include the investigation of hazardous materials accidents, inspections of hazardous materials shippers and testing facilities, the enforcement of safety regulations.
- » The approvals and permits of hazardous materials will only continue during a government shutdown when those permits are specifically relevant to the protection of human life and property.
- » Program development, standards and rulemaking, engineering and research, special investigations, and training and qualifications surrounding hazardous materials will all cease during a government shutdown. Exceptions to this include all elements funded by other than annual appropriations, such as civil rights, public affairs, and emergency response planning and drills.
- » **Maritime Administration (MARAD)** services that continue during a government shutdown include services that address threats to the safety of human life and the protection of vessels of the U.S. government.

- » The **Maritime Security Program, Cable Security Fleet Program, Port Infrastructure Development Program** and **America's Marine Highway Grant Program** would all continue during a government shutdown.
- » Emergency and disaster assistance, which involve the protection of human life, would continue during a government shutdown.
- » Activities of **MARAD** that would cease to continue during a government shutdown include administrative support functions and nonessential procurements on behalf of the U.S. Merchant Marine Academy.
- » In addition, all activities in numerous offices, including the **Office of Civil Rights, Office of Congressional and Public Affairs, Office of International Activities, Office of Policy and Plans, Office of Maritime Education and Training** and **Office of Cargo and Commercial Sealift**, would cease.
- » The law enforcement activities and crisis management center would continue operating in the **Office of Inspector General (OIG)** in a government shutdown. However, audits, legal functions, administrative functions and strategic communications and program functions of the OIG would all cease during a government shutdown.
- » All **Office of the Secretary** activities that are funded by multiyear or no-year appropriations would continue during a government shutdown. In addition, all Office of the Secretary functions that address imminent hazards to the safety of human life and the protection of property would continue. However, activities in the Office of the Secretary supported by staff offices across the Department not authorized to continue would also not continue.

## U.S. Department of the Treasury

**The Contingency Plan for the U.S. Department of the Treasury was published Dec. 1, 2021. It specifies the following:**

- » The **Alcohol and Tobacco Tax and Trade Bureau** will continue operations to ensure tax collection remittances are processed, the government property is secured, criminal enforcement activities and the activities at the Puerto Rico Field Office. The bureau will work to maintain the minimum staff to conduct these activities.
- » The **Treasury Inspector General for Tax Administration** will continue to perform the expected activities noted by the U.S. Department of Justice.
- » The **Special Inspector General for the Troubled Asset Relief Program** will follow the Antideficiency Act and only conduct activities that are necessary for the protection of human life and performed by law.
- » The **Office of the Inspector General** will continue investigations that involve testimony to any state/federal grand jury or court proceeding and will also continue those investigations that pose a significant threat to the U.S. Department of the Treasury. In addition, the investigators that are funded by the Coronavirus Relief Fund, Gulf Coast Restoration Fund, Emergency Rental Assistance Program, Homeowner's Assistance Fund and the State Small Business Credit Initiative will continue investigations.
- » The **Internal Revenue Service (IRS)** will continue to work on the U.S. Certification Residency Program, the Income Verification Express Service and Photocopy programs, the continued support of contract work for the Treasury Departmental Offices and the **Bureau of Engraving and Printing**, the American Rescue Plan (ARP) and the Inflation Reduction Act (IRA).

- » The **Financial Crime Enforcement Network** will continue to provide time-sensitive financial intelligence support to the proper agencies, the prior shutdown information requests regarding foreign financial intelligence, processing of Bank Secrecy Act (BSA) filings, support of law enforcement in specific cases, and the use under the USA PATRIOT Act, and continued security monitoring and operation of computer systems. In addition, the office will provide any legal support needed for these activities, work with National Security Staff on specific issues and continue work on pressing matters in relation to compliance efforts.
- » The **Departmental Offices** will continue operations based on each office. The **Office of the Secretary** will continue to compile policy recommendations for the president, communicate with critical economic leaders, provide market updates to the president, and operations relating to the CARES Act and ARP.
- » The **Office of Recovery Programs** will continue to provide critical information to the president, provide ongoing applicant reporting and compliance framework. Staff that help with the Emergency Rental Assistance, the Homeowner Assistance Fund, the State Small Business Credit Initiative, the Coronavirus State and Local Fiscal Recovery Fund, the Economic Stabilization Fund, the Air Carrier Workers Support, the Air Transportation Service Grants and the Emergency Capital Investment Program will continue.
- » The **Office of Domestic Finance** will continue to address any disruptions in the financial system, manage the government's cash and meet the government's financial obligations, and make interest rates public.
- » The **Office of International Affairs** will continue to oversee the operations related to the Exchange Stabilization Fund, monitoring financial international markets, and work in the representation of the U.S. activities with foreign financial institutions.
- » The **Office of Terrorism and Financial Institutions** will continue to provide information about actual events related to terrorism, enforce economic sanctions and administer the Specially Designated Nationals list.
- » The **Office of Economic Policy** will continue to provide necessary, requested information related to economic policy and the **Office of Tax Policy** will continue most of their functions since they are funded over multiyear.
- » The **Treasurer of the United States** will perform most functions due to political appointment and the **Office of Legislative Affairs** will continue to communicate the Treasury Department's position on policy matters to Congress.
- » The **Bureau of Fiscal Service** will continue to make social security and tax refund payments, conduct government-wide accounting, retail/wholesale securities services, collections of debt and summary debt accounting.

## U.S. Environmental Protection Agency

**The Contingency Plan for the U.S. Environmental Protection Agency (EPA) was published on Sept. 10, 2021. It specifies the following:**

- » The EPA will continue protecting land and research (current experiments), investigating criminal actions, any emergency assistance and response readiness, Superfund response work should the ceasing posing a risk to human life and litigation of important cases.
- » Contractors contracted prior to the shutdown will be paid on time so long as the available funds are processed prior to the shutdown.

- » During the lapse of funding, the EPA website communication and publication of research will only occur if it is necessary for the exempted and/or expected activities.

## **U.S. Social Security Administration**

**The Contingency Plan for the U.S. Social Security Administration (SSA) was published on Sept. 20, 2022. It specifies the following:**

- » The SSA will continue to accept applications for benefits and requests for appeals. Additionally, the administration will work on post-entitlement actions such as change of address and verification change and processing of remittances for overpayments and administrative fees.
- » The SSA will work to continue non-recipients and critical payments along with payee changes and direct contact of reinstatement of benefits.
- » The SSA will also work to ensure issuance of both original and replacement Social Security cards along with prisoner activities.
- » The State Disability Determination Services will work on initial claims, including terminally ill, quick disability determinations, dire need and wounded warriors.
- » The SSA will continue to hear and decide cases and appeals. The hearings will continue to be scheduled and decisions written.

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Information contained in this alert is for the general education and knowledge of our readers. It is not designed to be, and should not be used as, the sole source of information when analyzing and resolving a legal problem, and it should not be substituted for legal advice, which relies on a specific factual analysis. Moreover, the laws of each jurisdiction are different and are constantly changing. This information is not intended to create, and receipt of it does not constitute, an attorney-client relationship. If you have specific questions regarding a particular fact situation, we urge you to consult the authors of this publication, your Holland & Knight representative or other competent legal counsel.

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